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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

8 MOSHE FRANKEL, PRO SE 9 Plaintiff,	10 v. 11 INTEL CORPORATION, 12 ANDY D. BRYANT, 13 BARBARA G. NOVICK, 14 FRANK D. YEARY, 15 OMAR ISHRAK, 16 TSU-JAE KING LIU, 17 GREGORY D. SMITH, 18 RISA LAVIZZO-MOUREY, 19 JAMES (JIM) J. GOETZ, Defendants. 20) 21) 22) 23) 24) 25) 26) 27) 28)	Case No. COMPLAINT FOR: Promissory Fraud Constructive Fraud Aiding And Abetting Fraud Conspiracy To Violate Federal Civil Rico Violations Of Federal Civil Rico Breach Of Express Contract Breach Of Implied Contract Breach Of Implied Covenant Breach Of Quasi-contract False Advertising Under The Lanham Act Unfair Competition False Advertising Aiding And Abetting Tortious Interference With Contract Violation Of The 1914 Clayton Act DEMAND FOR JURY TRIAL
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Plaintiff Moshe Frankel ("Plaintiff"), alleges upon information and belief the following against Defendant Intel Corporation ("Intel"), Defendant Andy D. Bryant ("Defendant Bryant"), Barbara G. Novick ("Defendant Novick"), Frank D. Yeary ("Defendant Yeary"), Omar Ishrak ("Defendant Ishrak"), Tsu-Jae King Liu ("Defendant King Liu"), Gregory D. Smith ("Defendant Gregory D. Smith"), Risa Lavizzo-Mourey ("Defendant Lavizzo-Mourey"), James J. Goetz ("Defendant Goetz"), Dion Weisler ("Defendant Weisler"), Alyssa Henry ("Defendant Henry"), Andrea Goldsmith ("Defendant Goldsmith"), Stacy J. Smith ("Defendant Stacy J. Smith"), Lip-Bu Tan("Defendant Tan"), Defendants DOES 1-25 ("Consortium Participants"), and all Defendants collectively ("Defendants", "Consortium", or "Consortium Participants"):

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1 I. INTRODUCTION

2 1. This Complaint details a firsthand account of Plaintiff's largely futile
3 attempts to introduce new, essential, cost-effective, and secure semiconductor and
4 software technologies, defend his clients' use of his products on x86 computers
5 and fight against the destruction of essential, powerful, energy-saving computing
6 technologies that were removed from the market to protect profits derived from
7 inefficiencies fostered by the concentration of undue control and influence over
8 the computing industry.

9 2. The Defendants are a part of a Consortium that includes multiple
10 companies, along with some of their executives, officers, and employees, that
11 plan and implement predatory practices and designs, destroy competing
12 technologies and products and businesses, manipulate technologies and markets to
13 eliminate competition, and profit from the increases in value of publicly traded
14 shares issued by companies that benefit from the protections the Consortium
15 provides. The Consortium harmed Plaintiff by blocking his products from the
16 market, enacting exclusionary practices that harmed him, and violating
17 agreements with him. In a scheme to replace the functionality of x86-based
18 computers with inferior, less secure, less energy-efficient, and more expensive
19 toll-based, centrally distributed services offered by Consortium-associated
20 companies, the Defendants manipulated and destroyed semiconductor and
21 software technologies to increase computing costs for consumers, increase energy
22 consumption, and obstruct functionality and access. Consortium's Participants
23 earned billions of dollars through the issuance of public shares in these companies
24 and their subsequent appreciation, all of which are the result of flagrant violations
25 of antitrust, trademark, financial, and antiracketeering laws and regulations.

26 3. The manipulation of semiconductor design, particularly by Intel, is
27 crucial for maintaining the profitability and appreciation of publicly traded shares
28 of technology companies like Microsoft, Amazon, Apple, Nvidia, and

1 Qualcomm, as well as index-based funds like Vanguard, BlackRock, and State
2 Street; cable and wireless Internet service providers; and other computing and
3 communications companies that form the Consortium. Intel is the only company
4 that unifies design and manufacturing,
5 giving it a unique ability to satisfy market demand for optimization and efficiency
6 and bring it to consumers using the prevalent and relatively open x86 standard,
7 which will end the Consortium's exorbitant profitability. Controlling and
8 suppressing Intel's design and manufacturing is the key element in the
9 Consortium scheme, which exerts influence and control over companies in
10 multiple industry sectors with the aim of shifting personal and business
11 computing, as well as information technology and media creativity, away from
12 autonomous consumer computing devices and placing them behind a barrier of
13 toll-based, centrally distributed, subscription-based Consortium Participants'
14 services.

15 4. To that end, the Consortium is attempting to destroy the open x86
16 standard on which Plaintiff and his customers depend.

17 5. To that end, the Consortium is blocking direct communication between
18 Internet users and as a result is preventing Plaintiff's x86-based programs from
19 running and providing that functionality on x86-based computers.

20 6. As detailed in this Complaint, the Consortium destroyed AMD's x86
21 manufacturing after preventing Plaintiff from collaborating with AMD to bring
22 Plaintiff's technology to market.

23 7. As detailed in this Complaint, the Consortium has inflicted significant
24 damage on Intel's manufacturing and Intel's ability to support and maintain its
25 open x86 standard.

26 8. As detailed in this Complaint, the Consortium compelled Intel to
27 withdraw its x86 smartphone line from the market, with the aim of weakening
28 Intel and preventing the open x86 from entering the closed smartphone market.

1 9. As detailed in this Complaint, Intel violated an agreement between the
2 Plaintiff and Intel to collaborate on the development of an x86-based smartphone
3 operating system, which is intended to unify personal computing and mobile
4 phones. Intel and Consortium Participants within Intel engaged in deception when
5 they approached Plaintiff, with the intention of containing Plaintiff's technology
6 and preventing it from reaching the market.

7 10. The Complaint details how the Consortium prevents Plaintiff's
8 x86-compatible products from operating on existing x86-based computers,
9 substituting them with exclusive Consortium Participant's toll-based, centrally
10 distributed subscription-based services. These services, in comparison to
11 Plaintiff's programs, lead to a 50 percent increase in consumer costs, exhibit
12 slower user interface responsiveness, rely on an Internet connection, are
13 vulnerable to delays and data loss, expose personal information and programming
14 data to monetized information harvesting, are prone to failure, and offer less
15 security.

16 11. The Consortium violated the 1950 Celler Kefauver Act by using the
17 index-based funds-held shares in a scheme designed to lessen competition. By
18 purchasing publicly traded shares, the Consortium acquired influence and control
19 over Intel and utilized it to compel Intel to implement exclusionary policies and
20 predatory designs, with the intention of eliminating competition by x86-based
21 users against the Consortium Participants' services that would have halted the
22 meteoric rise in Consortium companies' publicly traded shares that bring windfall
23 profits to Consortium Participants. Furthermore, the Consortium used that control
24 and influence to force Intel to destroy more efficient technologies, including
25 Plaintiff's, as well as abort and ignore profitable market segments and trends that
26 compete with Consortium services and products. The Consortium also used its
27 influence and control to force Intel to destroy its own semiconductor
28 manufacturing advantages, advantages that could have put the Consortium scheme

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1 at risk by providing x86 users with safer, more powerful, and efficient
2 autonomous computing power that would have rendered the Consortium services
3 obsolete. This not only stifled innovation and competition but also resulted in the
4 loss of semiconductor manufacturing primacy to both Intel and the U.S. economy
5 with dire implications.

6 12. The Consortium, an ongoing racketeering enterprise, has been
7 inflicting significant harm on the Plaintiff for more than four decades. It has
8 engaged in violations of antitrust law, financial infringements, and various
9 economic crimes, ranging from the destruction of technologies and companies to
10 bribery and blackmail.

11 13. The Consortium generates substantial benefits for a select few while
12 inflicting immense harm on Plaintiff and degrading all facets of life at an
13 enormous cost to everyone else. The Complaint provides a detailed account of the
14 Consortium's background, history, methods, strategies, and tactics, along with its
15 ongoing efforts to perpetuate its malicious actions. The untold damage done by
16 the Consortium is impairing the U.S. semiconductor industry with dire global
17 implications.

18 14. This Complaint presents first-hand testimony that outlines the
19 Consortium's origin and foundations, laid out in the 1970s by IBM as part of its
20 meticulously planned scheme to safeguard its highly profitable business model
21 from the newly invented semiconductor-based CPU. The Complaint details the
22 Consortium's destruction of empowering and efficient computing and
23 power-efficient semiconductor technologies, forcing the entire industry to use two
24 inefficient, expensive, and unsafe semiconductor architectural designs that limit
25 computing power and raise power consumption, making x86 users dependent on
26 the Consortium's centrally distributed services for essential functions.

27 15. The Complaint outlines similar practices in related markets, the
28 consequences of those meticulously planned antitrust violations that shifted the

1 economy into a dependency on costlier but inferior centrally distributed services
2 by destroying superior technologies and products, hindering innovation, limiting
3 x86-based computers and related markets users' autonomy, and contributing to
4 climate overheating by suppressing low-energy technologies as part of the effort
5 to enforce a market dependency on central services provided by a small number
6 of companies. To protect and preserve this deleterious scheme, Intel reneged on a
7 collaboration agreement with Plaintiff.

8 16. As early as 1978, when Plaintiff first encountered that scheme, IBM
9 devised a plan to utilize illegal tying to regulate and restrict the general
10 programmability of consumers' CPUs. By 1981, IBM disguised this illegal tying
11 by dividing IBM PC design and manufacturing among multiple companies,
12 thereby creating an artificial division between semiconductor design, software,
13 and product manufacturing. This artificial division of the market and the
14 fragmentation of technology that was established in unofficial agreements aimed
15 to hide the control and manipulation of consumers' x86-based computer usage to
16 shield IBM's highly profitable products and services from potential competition
17 from CPU users' running competitive programs on their personal computers.

18 17. This illegal cross-company tying and discrimination, which extended
19 through partnerships, licensing, and unofficial agreements, as well as the launch
20 of new companies designed as "investment opportunities" for Consortium
21 Participants, quickly emerged as the dominant economic force in the x86
22 CPU-based market. Adapted enthusiastically by dominant financial service
23 companies that joined the Consortium, it replaced the profits from manufactured
24 products with those from publicly traded shares. The Consortium's business
25 model, which relies on illegal cross-company tying, discrimination, and
26 protection through the manipulation of computing and communication technology,
27 particularly x86 technology, has led to an unprecedented increase in the value of
28 these shares.

1 18. The Consortium began in 1981, as an official alliance between IBM,
2 Intel, and Microsoft, with an unofficial agreement to use cross-company tying to
3 protect existing IBM products and services from competition from the new PC
4 programming capabilities. The Consortium then evolved into the Intel-Microsoft
5 "Wintel Cartel," a dominant force in the personal computer market during the
6 early 1980s. However, it swiftly grew and evolved into a powerful force,
7 dismantling companies and technologies to uphold its control over x86
8 technology. It also shaped an unbalanced market, utilizing the stock market as the
9 main instrument to turn control over consumers' x86-based computer usage into
10 lucrative profits. The scheme ultimately impacted every aspect of life,
11 transforming the empowering independent computation and communication
12 capabilities of the Intel-base x86 personal computer into toll-based, centrally
13 distributed online services that consumers had to rely on due to the prohibition on
14 free independent usage of x86 computers.

15 19. In a free market, there would have been competition among x86
16 technology-related providers, between x86-based technologies, and, at the time,
17 existing products and services from companies that enabled the independent
18 programming of x86-based computers. The Consortium's creation of a skewed
19 market in the 1980s necessitated strict adherence to the Consortium's mandates,
20 dictates, and goals. The Consortium destroyed technologies that empowered
21 consumers independence, forcing consumers to depend on toll-based, centrally
22 distributed subscription-based services that maximize cost to consumers in order
23 to maximize profits for Consortium Participants.

24 20. Internet access is a crucial technological advancement for consumers.
25 After realizing that Internet access became the gateway for communication and
26 commerce, the Consortium used illegal cross company tying and manipulation,
27 hindering consumers' ability to use their Internet connection for free peer-to-peer
28 networking, sharing, collaborating, and communicating. By the end of the 1990s,

1 illegal tying and discrimination prevented Plaintiff's technologies and programs,
2 which provided these capabilities to x86-based computer users through modem
3 management, from running on x86-based computers.

4 21. Internet users, prevented from freely selecting their Internet
5 connections, became the core of the Consortium's lucrative scheme. The
6 Consortium presents companies that provide toll-based, centrally distributed
7 services as investment opportunities with publicly traded shares, aiming to
8 replace Plaintiff's blocked product. Plaintiff's products offered more efficient,
9 user-friendly, and faster functionality but relied on computer-to-computer
10 communication instead of subscription-based communication with the service
11 provider's servers. The Consortium forced consumers to buy services at a
12 significantly higher cost, requiring reliance on a remote provider, which is less
13 secure, susceptible to failures and delays, loss of time and data, and compromised
14 information and security.

15 22. The Consortium Participants exploited illegally tied cable modems to
16 deny consumers the freedom to select their Internet connections, forcing them to
17 use centrally distributed servers for communication and computing. At the same
18 time, the Consortium established new norms and developed technologies and
19 standards that allow it to collect virtually all personal and business data of
20 Internet users. The Consortium Participants then utilize their undue control over
21 consumer Internet usage to convince investors that they have secured a
22 technological monopoly that they can exclusively monetize. They use this
23 argument to justify the inflation of Internet-based service provider companies'
24 share value and the consolidation of numerous local, highly efficient, and
25 competitive cable companies into giant geographical monopolies.

26 23. Presenting themselves to investors as uniquely positioned to capitalize
27 on their illegal control over users' choice of Internet connections, monetize data
28 collection and enforce consumer dependency on services Participants inflate their

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1 self-value, contributing to the stock market bubble that collapsed in March 2000
2 and became known as the 2000-2003 Dot-com bust. This process is currently
3 resurfacing, amplified by index-based funds, which are specifically designed to
4 ignore this particular type of risk.

5 24. The Consortium created and included Internet service provider
6 monopolies and dominant online service companies in its efforts to stifle
7 competition, transform x86-based computer functionality and all computational
8 and communication functions into toll-based, centrally distributed services under
9 Consortium Participants' control, and enable the harvesting and monetization of
10 personal and business data.

11 25. The Consortium currently employs a similar strategy to position AI,
12 or artificial intelligence, as an online service. That created a direct conflict
13 between the part of the Consortium that controls the two x86 standard-setting
14 companies, Intel and AMD, on one side, and Intel and AMD themselves on the
15 other. Intel and AMD's core business is to provide consumers with computing
16 power in the form of semiconductor devices. This power can enable consumers to
17 utilize AI algorithms, such as Plaintiff's, without relying on centrally distributed
18 services. The Consortium views this ability, along with the capacity of x86 users
19 to optimize x86 programming and manage their Internet access, as detrimental to
20 its continued profitability. This is due to consumers' reliance on centrally
21 provided AI services, which require significant investments and energy
22 consumption. While this reliance ensures substantial profits for Consortium
23 Participants and contributes to the current boom, it may also be known in the
24 future as the DOT-AI bubble.

25 26. The Consortium's scheme turned out to be worth trillions of dollars to
26 the companies and individuals that this Complaint refers to as the Consortium
27 Participants. Currently, Microsoft, Apple, Nvidia, and Qualcomm dominate the
28 Consortium. They are using their unwarranted control over Intel to force it to

1 withhold existing semiconductor technologies, including Plaintiff's, from the
2 market. If these technologies were made available to consumers, they could
3 potentially end the Consortium's schemes. Microsoft, Apple, Nvidia, and
4 Qualcomm have gained undue control and influence over Intel through three
5 funds: Vanguard, BlackRock, and State Street. These funds control the majority
6 shares of Intel's and AMD, the only x86 semiconductor companies. They use this
7 control to flout anti-trust laws and promote the illegal Consortium's scheme.

8 27. The Consortium's scheme, which must stifle technological
9 advancement in order to survive, relies on manipulating Intel's semiconductor
10 design and the x86 standard, which dominates access to technology and is
11 exclusively defined by Intel after the Consortium forced AMD to relinquish its
12 semiconductor manufacturing capabilities.

13 28. Intel was one of the Consortium founders but was transformed over
14 the years because of its inherent industrial character as a component supplier,
15 unlike the other Consortium Participants who sell directly to consumers and, as
16 part of the scheme, converted themselves into service providers, which made
17 them the largest customers of Intel as well as his competitors. As a victim of the
18 Consortium, Intel is now attempting to break away, posing a threat to the
19 Consortium's very survival.

20 29. The Consortium is attempting to force Intel to separate its design from
21 its manufacturing, which will hinder its ability to provide technology, such as
22 Plaintiff's, that can defy the Consortium. The Consortium has used similar
23 methods to force AMD to give away its manufacturing after it agreed to
24 collaborate with Plaintiff in introducing to the market an x86 design that would
25 have hindered the Consortium's continued harm.

26 30. The Consortium's scheme is preventing Plaintiff, as well as
27 programmers and users, companies and organizations from freely using their
28 x86-based computers devices in direct violation of Section 3 of the Clayton Act

1 and the 1936 Supreme Court decision that clarified and reinforced it.

2 31. Limiting and restricting the ability of Plaintiff's, as well as other
3 programmers and consumers, to program and use their own x86-based computers
4 as they wish, as well as hindering consumers' access to the Internet, is essential
5 for the survival of the Consortium Participants. The Consortium Participants rely
6 on controlling their respective markets to prevent competitors like Plaintiff's from
7 competing with their services.

8 32. Microsoft and Qualcomm, two Consortium companies, are illegally
9 developing an x86-compatible chip to force users of the Microsoft Windows
10 operating system to buy only Microsoft-distributed software, thereby restricting
11 the relatively open programming options available to Plaintiff and other x86
12 programmers and users. Microsoft is already offering consumers an illegal
13 version of Windows as it assesses responses from regulators and consumers,
14 aiming to set a precedent.

15 33. As the attack on Intel and the relatively free usage of x86-based
16 computers intensifies, Microsoft and Qualcomm, unable to provide full Windows
17 compatibility on their own ARM-based Windows chip, are attempting to force
18 Intel to sell them its x86 design. This move aims to enable them to run the full
19 range of Windows programs on their new ARM-based chip, which was designed
20 to control and restrict Windows users' usage and prevent the running of software
21 not distributed by Microsoft.

22 34. As this Complaint details, since its inception, Consortium Participants
23 exerted undue pressure on Intel to withhold from x86 users and programmers,
24 including Plaintiff, design improvements, capabilities, technical details about x86
25 working, and solutions that, if available, would have provided x86-based
26 computer users with higher efficiency, cost savings, better functionality, security,
27 and privacy. This resulted in increased costs for consumers and protected their
28 products from competition and their profits.

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1 35. The Consortium unfairly treats Plaintiff and other x86 developers,
2 destroys technologies and businesses, manipulates the market, and illegally ties
3 products together to limit the use of x86-based computers. It also alters
4 semiconductor technology and the design of the x86 to give Consortium
5 Participants unfair advantages.

6 36. These actions aim to prevent crucial functions, like those offered by
7 Plaintiff's products, from operating on x86 computers. New Consortium
8 companies, offering publicly traded shares, then provide these critical functions
9 as toll-based, centrally distributed services. This scheme generates trillions of
10 dollars in illegal profits, which the Consortium distributes as publicly traded
11 shares of companies it establishes for the benefit of Consortium Participants.

12 37. The Consortium Participants include individuals within and outside
13 Intel and the companies that operate and enforce the scheme. The Consortium is
14 causing significant harm to Plaintiff, inflicting untold harm on consumers and IT
15 (information technology) workers, damaging the U.S. economy by reducing
16 productivity and competitiveness, and introducing security flaws and failures.
17 The scheme is significantly harming the U.S. semiconductor industry, as well as
18 the United States' global trade and geopolitical standing.

19 38. This Complaint describes the scheme's origin and evolution as
20 witnessed firsthand by Plaintiff, his futile attempts to thwart the demise of
21 businesses and technologies and to keep his x86 technologies available to his
22 clients. It starts with Plaintiff's introduction to Intel's semiconductor-based CPU
23 and the subsequent release of IBM's Intel-based x86 personal computer, in a
24 partnership that was designed to cover up the forming Consortium's Participants'
25 violations of antitrust laws in order to enable protection of IBM services and
26 goods from competition.

27 39. This Complaint describes how the illegal methods used to position the
28 x86 computers in the market evolved into a covert financial machine that

1 produces and distributes to individuals and companies who are Consortium
2 Participants windfall profits valued at trillions of dollars. The Consortium
3 Participants are harvesting these profits from the increased value of publicly
4 traded shares of businesses positioned and sometimes created to offer exclusive
5 toll-based, centrally distributed services at exorbitantly high costs. The
6 Consortium forces these services on consumers, replacing crucial functionality
7 and features of products like Plaintiff's that were designed to run locally and
8 independently under the user's control on x86-based computers, by blocking and
9 preventing their use.

10 40. Plaintiff's Frankel's software products and technologies, which are
11 designed to run on Intel x86-based computers or utilize Intel's semiconductor
12 fabrication services, are prevented from accessing the markets due to
13 exclusionary acts that were put in place and are executed by the Defendants who
14 are acting to protect companies and technologies from competition and enrich
15 Consortium Participants that are enjoying that illegal protection.

16 41. Plaintiff products include major software packages that were
17 developed by large technology companies and used by millions worldwide. In the
18 early 1990s, Plaintiff acquired the rights to these products and their trademarks
19 after the companies responsible for creating and marketing them to x86 computer
20 users fell victim to the Consortium's scheme aimed at destroying these companies
21 and their products to reduce competition.

22 42. Plaintiff obtained the rights to those products after preparing a legal
23 action against individuals and companies behind that scheme and received the
24 rights to those products in exchange for the withdrawal of that legal action and
25 the destruction of evidence gathered by Plaintiff for the case signed into a
26 contract.

27 43. That contract was prepared by the law firm Wilson Sonsini Goodrich
28 & Rosati, which represented and consulted at the time and, possibly still today,

1 members of the "Wintel Cartel," who are being addressed in this Complaint as
2 Consortium which is what the "Wintel Cartel" morphed into as it expanded to
3 include Internet-related, mobile, and communication technology companies.

4 44. Plaintiff's products and technologies, those taken over by Plaintiff as
5 well as those designed by Plaintiff, inherently conflict with the Consortium
6 Participants' scheme to control and prevent x86-based computer users from being
7 able to use their computers to perform certain critical tasks in order to offer these
8 tasks as toll-based, centrally distributed services by companies that enrich the
9 Consortium Participants. The inherent conflict is the result of the control over
10 information, activities and the program they run on their own x86 computers that
11 Plaintiff's products and technologies give x86 computer users.

12 45. Intel's directors, officers, and managers, acting on behalf of the
13 Consortium and for their own personal gain from the appreciation of Consortium
14 Participants' shares they purchased and received while protecting those
15 Participants, misrepresented Intel's and their own intentions to mislead Plaintiff,
16 obtained information from Plaintiff under false pretenses, and engaged in the
17 destruction of low-power computing technology and an effort to prevent
18 Plaintiff's low-power computing technology from reaching the market.

19 46. Defendant Bryant was hired by Intel in 1981 and played a key role in
20 managing and establishing the "Wintel Cartel," a term that refers to the
21 dominating alliance between Intel and Microsoft, which coordinated exclusionary
22 acts, product tying, intimidation, and bribery to gain control over the x86-based
23 personal computing market.

24 47. In 2012, Defendant Bryant was installed by Consortium Participants
25 as Chairman of Intel's Board of Directors in order to implement and execute a
26 strategy and policies that were designed to weaken Intel semiconductor
27 manufacturing capabilities and its standing in the market and lessen competition
28 in order to protect the Consortium's scheme that generated a windfall in profits

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1 for the Consortium Participants. Defendant Bryant left Intel as a billionaire,
2 having made his fortune by investing in Consortium company shares. During his
3 tenure as Intel's Chairman of the Board, he undermined the company's
4 manufacturing capabilities, causing significant long-term damage to the U.S.
5 global standing, and led to the stagnation of Intel's share price.

6 48. The Consortium's scheme was designed to weaken Intel
7 semiconductor manufacturing capabilities in order to prevent Intel's from
8 replacing centrally distributed inefficient software with vastly more efficient
9 technologies that are becoming available thanks to Intel's significant investment in
10 its manufacturing and design capabilities, as explained in detail later in this
11 Complaint.

12 49. Consortium Participants are partially known to Plaintiff. Consortium
13 Participants include Intel stakeholders such as Intel's major shareholders and the
14 largest publicly traded technology companies who participate in the Consortium's
15 nefarious activities in order to maintain the meteoric rise of their shares.
16 Consortium Participants may include Intel stakeholders and business partners, as
17 well as computing industry executives who participated in actions that were
18 designed to lessen competition and directly caused Plaintiff's loss and exclusion
19 of his technology from the market. Consortium Participants inside Intel caused
20 specific Intel exclusionary actions, misrepresentation, and violations of
21 collaboration agreements with Plaintiff.

22 50. Intel's market dominance, which benefits consumers through
23 improvements in manufacturing, design, and management, is not the subject of
24 this Complaint. However, the Complaint addresses market dominance and
25 monopolies resulting from deliberate exclusionary actions, which serve to
26 discriminate and create uneven markets, thereby limiting or preventing
27 competition.

28 51. This Complaint does not concern Intel's or other company's

1 technological improvements or additions designed that benefits consumers as
2 tying.

3 52. This Complaint primarily focuses on the Defendants' misuse of their
4 position, their manipulation of technology, and the specific tying that forces
5 consumers to purchase and use designs and products that restrict their free usage
6 of x86 computers. Additionally, it highlights the removal of essential x86
7 designs, which hinder consumers use of x86-based computers.

8 53. Ending the Consortium's nefarious scheme, including ending its undue
9 influence over Intel, will open the market to Plaintiff's products and technologies,
10 resulting in efficiency, cost savings, improved functionality, security, and privacy
11 that the Consortium is withholding from consumers.

12 **II. JURISDICTION AND VENUE**

13 54. This Complaint alleges violations of the Sherman Act, 15 U.S.C. § 2.
14 it is filed under, and jurisdiction is conferred upon this Court by, sections 4, 12
15 and 16 of the Clayton Act, 15 U.S.C. §§ 15, 22 and 26. Plaintiff also alleged
16 violations of the Federal Trade Commission Act 15 U.S.C. §§ 41-58, as amended
17 by the 1950 Celler-Kefauver Act. Plaintiff seeks damages and civil penalties, as
18 well as injunctive and other equitable relief under those laws. All claims under
19 federal law are based upon a common nucleus of operative facts, and the entire
20 action commenced by this Complaint constitutes a single case that would
21 ordinarily be tried in one judicial proceeding. This Court has subject matter
22 jurisdiction under 28 U.S.C. § 1331, as this is a civil case arising under the
23 federal Racketeer Influenced and Corrupt Organizations Act.

24 55. The Court further has jurisdiction over the federal claims under 28
25 U.S.C. §§ 1331, 1332, and 1337 as the matter in controversy well exceeds
26 \$75,000 in value and is between citizens of different states.

27 56. Jurisdiction over Defendants is proper pursuant to 15 U.S.C. §§ 22.
28 Also Section 4 of the Clayton Act, 15 U.S.C. § 15, authorizing private antitrust

1 suits for damages, provides in part: "Any person who shall be injured in his
2 business or property by reason of anything forbidden in the antitrust laws may
3 sue therefor".

4 57. Venue is proper in this district under 15 U.S.C. § 22 and 28 U.S.C.
5 §§ 1391 because Defendant Intel resides and/or is found in this district and the
6 other Defendants operate or operated public companies that conduct business in
7 this district. Intel maintain an office in this District located at 75 Reed Rd.
8 Hudson MA 01749.

9 58. Intel own a subsidiary, Intel Massachusetts Inc. with headquarters
10 located this District at Hudson, Massachusetts. All meetings between Plaintiff and
11 Intel have taken place at Plaintiff's residence located in this District.

12 **III. PARTIES**

13 59. Plaintiff Moshe Frankel, individual, and resident of Massachusetts
14 representing himself bringing this action as authorized by federal law, as the
15 owner of software products designed to run on Intel x86 computers that are
16 subject to Defendants lessening of competition. Plaintiff is a programmer, a
17 software, semiconductor, operating system, and a "model of computation"
18 designer and has a number of agreement with Intel including a licensing
19 semiconductors development agreement with Altera, now Intel FPGA, and an
20 agreement to collaborate in the development of a unified mobile and personal
21 operating system for Intel x86 devices including smart phones.

22 60. Defendant Intel Corporation is a Delaware corporation with its
23 principal executive offices at Santa Clara, California. It conducts business both
24 directly and through wholly-owned and dominated subsidiaries worldwide. Intel
25 and its subsidiaries design, produce, and sell a variety of microprocessors, flash
26 memory devices, and silicon-based products for use in the computer and
27 communications industries worldwide. Intel created and dominates the x86
28 computer markets.

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1 61. Defendant Andy D. Bryant, Former Chairman, Intel, was hired by
2 Intel in 1981 and served as Intel Chairman between 2012 and January 2020.

3 Defendant Barbara G. Novick, joined Intel's board of directors in
4 December 2022. A founder of Blackrock which hold approximately 8 percent of
5 Intel's publicly traded shares and is heading Intel board's Audit & Finance and
6 Compensation committees.

7 Defendant Frank D. Yeary, Chair of Intel's Board of Directors, joined
8 Intel's board of directors in March 2009.

9 Defendant Omar Ishrak, joined Intel's board of directors March 2017 and
10 serve as a the board chair from January 2020, until December 2020.

11 Defendant Tsu-Jae King Liu, joined Intel's board of directors in July 2016.

12 Defendant Gregory D. Smith, joined Intel's board of directors in March
13 2017.

14 Defendant Risa Lavizzo-Mourey, joined Intel's board of directors in March
15 2018.

16 Defendant James (Jim) J. Goetz, joined Intel's board of directors in
17 November 2019.

18 Defendant Dion Weisler, joined Intel's board of directors in June 2020.

19 Defendant Alyssa Henry, joined Intel's board of directors in January 2020.

20 Defendant Andrea Goldsmith, joined Intel's board of directors in September
21 2021.

22 Defendant Stacy J. Smith, joined Intel's board of directors in March 2024.

23 Defendant Lip-Bu Tan joined Intel's board of directors in August 2022 and
24 resign from the board in Aug 2024.

25 62. Plaintiff is informed and believes and based thereon alleges that the
26 fictitiously named Defendants captioned herein above as Does 1 through 25,
27 inclusive, and each of them, were in some manner responsible or legally liable
28 for the actions, damages, events, transactions, and circumstances alleged herein.

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1 The true names and capacities of such fictitiously named Defendants, whether
2 individual, corporate, associate, or otherwise are presently unknown to Plaintiff,
3 and Plaintiff will amend this Complaint to assert the true names and capacities of
4 such fictitiously named Defendants when they have been ascertained. For
5 convenience, each reference herein to the named Defendants shall also refer to
6 the Doe Defendants and each of them.

7 **IV. INTEL TECHNOLOGY**

8 **A. INTEGRATED CIRCUIT (IC)**

9 63. Intel was founded in 1965 to create newly invented transistors. A
10 transistor is a solid-state device; it has no moving parts. It consists of a sandwich
11 of semiconductor materials that is used as an electrical conductor. Its electrical
12 conductivity depends on the electrical voltage applied to a part of it and can be
13 controlled by changing that voltage. That makes it possible to use it to amplify an
14 electrical signal or as a switch in control or logic systems.

15 64. In computational devices, transistors serve as controlled switches.

16 Open or closed transistors represent logical states or carry logical operations.

17 65. Transistors replaced bulky electrical relays and vacuum tubes,
18 revolutionizing electronics by allowing the creation of products such as miniature
19 portable radios and smaller computers.

20 66. Intel was one of the companies that developed a way, akin in some
21 aspects to printing, the ability to manufacture multiple transistors simultaneously
22 on a semiconductor wafer. This development enabled Intel to integrate a large
23 number of transistors, along with the electrical circuitry connecting them, into a
24 single functional device. These became known as integrated circuits (IC).

25 67. Similar to printing, but significantly more complex, the Intel
26 manufacturing method produced multiple copies of an IC design on a single wafer
27 of semiconductor material. After testing and packaging, these individual chips
28 were ready for use in various electronic and computational products. The

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1 dramatic and impactful development at the time allowed for the automated
2 creation of entire computers on a chip, akin to today's ability to print an entire
3 car. This development caused concern among established computer companies,
4 who were selling large computers made from individual transistors at the time.

5 68. The number of transistors in each IC device determines its capacity to
6 produce useful work. The number of IC devices on a single silicon wafer
7 determines their manufacturing cost, which comes after the initial cost of their
8 design and engineering. The IC device invention created an economic and
9 technological environment where the number of transistors per unit area, or
10 transistor density, became the most important determinant.

11 69. Initially, integrated circuits were small devices with a limited number
12 of transistors that provided limited functionality, such as a specific logic
13 operation, a clock signal generator, or an electrical current amplifier. However,
14 due to their unlimited ability to design and manufacture increasingly complex
15 devices with an increasing number of transistors, integrated circuits eventually
16 evolved into complex devices capable of replacing entire computer systems or
17 even a large number of computers in a single device. Today, these devices are
18 commonly available as miniature x86 devices, which can support multiple
19 computers and their support circuits.

20 70. A CPU (central processing unit) is a component of John von
21 Neumann's "Central Architecture" model that forms the foundation of most
22 modern computers. A CPU is an implementation of the abstract Turing machine
23 concept consisting of logic circuits that perform a set of arithmetic and logic
24 instructions. Each instruction corresponds to an arithmetic or logic operation and
25 will be carried out when it is read from memory, where it is stored as a binary
26 code number followed by the instructions' parameters. Parameters may convey a
27 numeric value, a processor register reference, or a memory address used to store
28 a value.

1 71. To function as part of a computer, a CPU must have additional circuits
2 that provide access to memory as well as communication with input and output
3 devices.

4 72. Computer programs, also referred to as software, consist of lists of
5 CPU instructions and their parameters, stored as an ordered list in memory.

6 73. When a program runs, the CPU reads each program instruction from
7 memory and performs the instruction corresponding operation, repeating that in a
8 cycle until the program's last instruction.

9 74. Microprocessors are integrated circuits that combine a CPU and all of
10 the necessary circuits for a computer's operation into a single device.

11 75. SOC (System On a Chip) is a single chip that contains a
12 microprocessor as well as other circuits that provide functionality, such as
13 peripheral interface, wireless and line communication and networking interfaces,
14 making it possible to build a complete computing device, such as a smartphone,
15 on a single chip. Intel's x86 devices are SOC.

16 B. MOORE'S LAW

17 76. Gordon Moore, one of Intel's founders, noted shortly after the launch
18 of Intel microprocessors that the number of transistors in an integrated circuit
19 (IC) doubles roughly every two years. Moore's law is an observation and
20 projection of a historical trend rather than a physics law. It also predicted an
21 increase in the speed of integrated circuits with every new generation.

22 77. According to Moore's law, a transistor's physical size shrinks with
23 each new generation, allowing for the packing of more of them on a given area of
24 an IC. Since the number of transistors in a device and the speed they operate
25 determine the computational work the device can produce, the Intel business
26 model is based on Moore's law.

27 78. For most of its history, Intel was able to follow that model, increasing
28 the average number of transactors in its IC from a few thousands to a few

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1 billions. Transistors, however, generate heat with each logical operation, and
2 when operating at a faster switching rate per second, the amount of heat they
3 produce increases. At the same time, the shrinkage of the transistor area limits
4 the amount of heat that a transistor can dissipate, resulting in slowing down, if
5 not ending, Moore's Law.

6 79. Following Moore's Law led to a reduction in transistor size, which
7 ended the ability to increase the speed of x86 devices about 20 years ago. As a
8 transistor's heat generation approaches the physics-permitted minimum, its
9 increasingly smaller size restricts the amount of heat it can dissipate to its
10 surroundings. This can lead to overheating, necessitating costly cooling systems,
11 increasing the risk of failure, and increasing energy consumption. Plaintiff's
12 technology solves that conflict, in effect restarting Moore's law as it hits the end
13 of life under the limits of current technology.

14 C. DARK SILICON AND PLAINTIFF'S TECHNOLOGY

15 80. To meet the constantly growing demand for computing power, a
16 growth trend that can only accelerate with time, more transistors per chip are
17 required. Increasing the clock speed of a chip doesn't significantly impact its
18 functionality, as parallel operations, which increase with the number of
19 transistors, do not improve with increased speed. Following "Moore's Law,"
20 Intel's significant investment in research and manufacturing satisfied this growing
21 demand by designing smaller transistors, making it possible to pack more of them
22 into each chip. However, this approach came with a significant drawback. As the
23 number of transistors increases, their size shrinks. Smaller transistors can
24 dissipate less heat, resulting in rising chip temperatures that cause logic errors
25 and can end with a burnt-out chip.

26 81. Intel and other semiconductor companies address that excess heat by
27 creating redundant parts on the chip and switching between them at a high rate.
28 This allows the overheating parts of the chip to rest and cool down while the

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1 operation continues uninterrupted on other parts. However, in practical terms, the
2 switching process consumes time, energy, and additional transistors and hinders
3 parallel operations. The switching process boosts the chip's raw speed, but it also
4 necessitates additional cooling due to the increased heat dissipation and
5 significantly higher power consumption.

6 82. Intel, as well as other semiconductor companies, use the term "dark
7 silicon" to describe the total area of a chip that must remain at rest at all times to
8 prevent overheating and burning. The dark silicon area in Intel's newer x86 chips
9 can account for as much as 90 percent of the chip area. This suggests that only 1
10 billion of a chip's 10 billion transistors are actively in use at any given time. The
11 rest are actually "dead waits" used to dissipate unwanted heat.

12 83. To illustrate the implications of Dark Silicon on computing, it helps to
13 consider that some of the most demanding software tasks, such as computer
14 language interpreters and compilers, "What You See Is What You Get"
15 (WYSIWYG) word processors, email and spreadsheet programs, as well as
16 business database servers and networking software, were written to run
17 efficiently with satisfactory responsiveness on Intel's x86 CPU that had a much
18 smaller transistor count, a thousand transistors per chip. Over the years, the
19 average number of transistors in Intel's x86 devices increased from thousands to
20 billions. For users who bear the heavy costs of research and development,
21 engineering, and manufacturing, the additional billions of transistors do not
22 significantly improve the efficiency, ergonomics, and responsiveness of Intel's
23 and AMD's x86-based computers. The significant investment in Moore's Law
24 produces only incremental and, in many cases, marginal improvements for
25 consumers.

26 84. Plaintiff's semiconductor architecture addresses the dark silicon in
27 current design in a way that increases users' computational power as well as their
28 control over that power in proportion to the actual increase in the number of

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1 transistors as the result of Moore's Law. As this Complaint explains in detail, the
2 Consortium is in direct conflict with Intel since any functionality that Intel may
3 add to the x86 architecture will replace less efficient and less secure central
4 services the Consortium provides exclusively, which is the base for the exorbitant
5 appreciation of publicly issued shares of its Participants. This was the background
6 of the Consortium attack, documented hereafter, on AMD, which forced AMD to
7 give up its manufacturing after AMD communicated with Plaintiff about using
8 Plaintiff's technology to stop the Consortium hold on AMD. It is also the core of
9 the current conflict between the Plaintiff and the Consortium Participants inside
10 Intel.

11 85. The Consortium compelled Intel to employ predatory design strategies,
12 including the use of dark silicon and elements detrimental to efficient CPU usage,
13 in order to deny consumers the potential computational power that additional
14 transistors could offer. Exorbitant investments in transistor miniaturization, a
15 strategy that effectively deters competition due to the significant costs associated
16 with keeping up with Moore's law, also justify dark silicon.

17 86. Plaintiff's technology eliminates the need for dark silicon and releases
18 those "dead weight" transactors for actual usage that benefits consumers. When
19 Plaintiff informed Intel, under the mutually signed NDA and collaboration
20 agreements and the agreement to collaborate on a smartphone operating system
21 development, about the existence of technology that can eliminate dark silicon,
22 Consortium Participants inside Intel blocked Plaintiff's access to development
23 information and products and cut off communication and collaboration.

24 D. THE CPU THEORETICAL, LEGAL AND COMMERCIAL
25 ASPECTS, PLAINTIFF TECHNOLOGY, INTEL AND THE
26 CONSORTIUM

27 87. Intel x86 CPUs are a type of universal Turing machine. A Turing
28 machine is a device that solves mathematical expressions. A Turing machine can

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1 execute any arbitrary computable function and produce its mathematically
2 appropriate solution. Universal Turing machines are instruments that perform the
3 Church-Turing thesis that states: Anything computable can be computed by a
4 Turing machine. The x86 CPU is a particular type of Turing machine referred to
5 as a Random-Access Memory Turing Machine. The capability of a Turing
6 machine to perform any mathematical computation and algorithm is referred to as
7 "general programmability." It implies that any program written to run on a
8 particular CPU can be rewritten to run on any other CPU. Mathematics is a type
9 of language. Since its basic elements allow for extension, language has no limits.
10 CPU-based General programmability, like mathematics, is limitless. As for
11 programs that run on a CPU, the Ninth Circuit Court of Appeals ruled in
12 *Bernstein v. United States Department of State* (1996) that programs' source code
13 is a form of speech, protected under the First Amendment. Like any language,
14 mathematics is a mental tool that can be used internally (in thinking, for example)
15 or externally (using instruments such as a pen and paper, typewriters, calculators,
16 and computers). Both mental and physical tools and machines serve as extensions
17 of human power, empowering both individuals and society. The Intel CPU x86
18 programming standard is the "lingua franca" of computing, as the majority of
19 Internet access, business, and personal computing is performed on x86
20 computers. The freedom to use and program Intel's x86 CPU without restrictions
21 and manipulation that are designed to limit its programmability for the benefits of
22 third parties is enshrined in the First Amendment.

23 88. In 1936, the Supreme Court issued a decision that clarified and
24 reinforced the Clayton Act, ensuring free commerce by prohibiting manipulation
25 or restrictions on machine usage that aim to lessen competition. The Supreme
26 Court's decision addressed IBM's practice of tying its card processing machine
27 with its printed cards. Tying products in order to lessen competition is explicitly
28 illegal under the 1914 Clayton Act.

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1 89. In 1970, before IBM designed and settled its business agreements with
2 Intel and Microsoft that produced the IBM PC, established Intel's x86 as a
3 common standard, and effectively founded the "Wintel Cartel" that developed
4 into the Consortium this Complaint addresses, IBM knowingly made an illegal
5 decision that was highly controversial at the time to restrict full access to its
6 computers' CPU to its customers. The decision created illegal tying between
7 IBM's computers and IBM's programming, optimization, and consulting
8 services. Unlike the 1930s IBM illegal tying of its punch card machine with its
9 printed cards, the 1970s IBM decision to block access to its product's full
10 programming capabilities and indirectly create a dependency of its customers on
11 its services, despite being extremely controversial for IBM customers and
12 programmers, passed without legal scrutiny.

13 90. The changes that IBM made to its products, the IBM 360 computer
14 line, during the decade between 1970 and 1980 were in direct violation of section
15 two of the 1914 Clayton Act and the 1936 Supreme Court reinforcement of it.
16 IBM, like all other early computer companies, commercialized computing in the
17 1950s and 1960s and released its computers with full access to their CPUs,
18 including the computer microcode. Microcode refers to the low-level instructions
19 or firmware that control a computer's hardware components. Access to the
20 microcode enables IBM customers and programmers to customize and optimize
21 the way hardware runs programs, enabling improved performance and time and
22 energy savings. Beginning in 1970, IBM restricted access to the IBM 360
23 computers, thereby compelling its customers to purchase its proprietary support
24 services.

25 91. This decision illegally tied IBM's 360 line of computers with its
26 support services. IBM phased the introduction of those restrictions gradually over
27 a period of ten years, starting by first restricting the access of smaller companies
28 while continuing to allow larger customers, such as government agencies and the

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1 military, to customize and optimize their programs as before. IBM gradually
2 established new illegal norms, standards, and practices, culminating in a total
3 restriction in 1980, in line with the management plan. Those norms, standards,
4 and practices became the Wintel Cartel and later the Consortium's scheme
5 foundations.

6 92. IBM's plan for the IBM PC in 1981 and its partnership with Intel and
7 Microsoft was based on the normalization of its 1970s illegal decision. Intel
8 copied this illegal practice and used it to manipulate the market until the
9 Consortium took over Intel and the limits on CPU usage started to serve the
10 Consortium's scheme. Taking into account legal precedents, the interests of the
11 public, consumers, developers, and competitors, including Plaintiff, as well as
12 Intel itself, Intel should provide its users with unrestricted access to its
13 programmability and peripheral interfaces. This Complaint clearly demonstrates
14 that this is not the case.

15 93. In 2012, with the positioning of Defendant Bryant to the Intel chairman
16 position, Intel was literally taken over by the Consortium. As a result, Intel's x86
17 CPU architecture, access to the x86's programmability and full capabilities, and
18 Intel's strategic plans and business practices were manipulated to protect the
19 consortium's companies, products, and services. Intel succumbed to the
20 Consortium Participants, who are forcing it to implement designs that compel its
21 users to purchase and depend on the Consortium's centrally distributed services
22 while preventing unrestricted full usage of the x86 CPU and unrestricted
23 communication over the Internet. Consumers purchase Intel's products as
24 components of its OEM (original equipment manufacturers) offerings. Intel
25 defines and controls every aspect of its OEM design, including the form factors,
26 capabilities, compatibilities, scope, and performance of any products that include
27 Intel x86 devices. Intel utilizes this control, along with illicit tying, to safeguard
28 the Consortium's long-term objectives.

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1 94. Intel's and its collaborators imposed restrictions on x86
2 programmability and added predatory design to the x86 architecture in order to
3 force consumers to purchase essential services and products that are available
4 exclusively only from Intel and its partners. This tying is a clear violation of the
5 1936 Supreme Court decision and the Clayton Act. The Consortium's stock
6 market scheme is based on this illegal tying and Protecting it is the driving force
7 behind the Consortium's efforts to control Intel and destroy its technologies as
8 detailed in this Complaint.

9 95. A simple formula can be used to assess Intel's predatory design
10 changes to the x86 CPU since its adaptation for the IBM PC in 1981 to the
11 present. Ideally, the transistor count in an Intel CPU device should provide a
12 quantity of functionality that the CPU can perform, and as the transistor count
13 increases, the ratio of one to one with the functionality that the transistors provide
14 should result in a proportional increase in the CPU functionality output. The
15 number of transistors in an x86 device is a known quantity. Assessing the CPU
16 functionality output is an ambivalent and complex task. For that reason, assessing
17 the CPU functionality is measured by comparison using time as a gauge. In 1981
18 an x86 device contained a certain number of transistors and provided certain
19 functionality.

20 96. That functionality should have increased since 1981 proportionally to
21 Moore's law as the number of transistors in an average x86 device increased
22 from fifty thousand to five billion, an increase by a factor of one hundred
23 thousand. By the most generous estimates, the functionality of x86 for typical
24 personal and business operations, such as word processing and spreadsheets,
25 aside from running graphics-intensive games and intensive calculations that are
26 performed on dedicated parts that are not intrinsic to the x86 architecture and not
27 relevant for most consumers, has only increased by a factor of less than one
28 hundred.

1 97. The difference between 100 and 100,000 shows a loss of functionality
2 resulting from predatory design, which by now dedicate more than 90% of the
3 transistors is x86 devices for features that are directly detrimental to their users
4 and prevents the remaining 10% of functional transistors from being used
5 efficiently for parallel operations. This design aims to compel consumers to use
6 the centrally distributed services of Consortium Participants.

7 98. "CPU" stands for "Central Processing Unit"; the word "Central"
8 reflects its serial trait. A CPU cannot perform parallel operations by default. As a
9 result, an increase in transistor count requires the dedication of some transistors
10 for overhead management, and as the transistor count grows, the ratio of one to
11 one cannot be maintained. Plaintiff's older technology that was presented to the
12 industry since 1980s required an overhead of between one and ten percent of the
13 total transistor count to allow multiple CPUs' on a single chip to provide the
14 highest theoretical level of parallelism that a particular functional design can
15 achieve. In comparison, Intel's predatory design overhead is resulting in an
16 overhead of one hundred thousand percent, calculated as the percentage ratio
17 between one hundred and one hundred thousand. Plaintiff technology that was
18 offered to Intel and was blocked by Consortium Participants uses one thousand
19 transistors to deliver the same functionality that one hundred million transistors
20 are providing in the current x86 devices. That estimate is very conservative; the
21 actual number is larger and is doubled every two to three years as Moore's law at
22 Intel is currently growing faster then at TSMC.

23 99. Before 2012, when the Consortium took over direct control of Intel by
24 installing Defendant Bryant as Intel's chairman, Intel spent around 30 percent of
25 its revenues on R&D, building semiconductor manufacturing facilities to deliver
26 higher transistor density, conducting material research, and IP design. With the
27 open x86 standard and a higher transistor count, consumers and the economy
28 should have been able to take advantage of the resulting exponential growth in

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1 computing power, which would have stopped the Consortium's unfair advantage
2 and put an end to its scheme. The Consortium moved to eliminate that risk to its
3 scheme by destroying Intel's manufacturing, the x86 standard, and the x86
4 smartphone market, lowering Intel's market cap in order to limit Intel's options
5 and entrap competing technologies.

6 100. The entrapment of Plaintiff by Consortium Participants at Intel in
7 order to block his technology was a part of that plan "to block Intel from
8 providing its users with the result of its investment in Moore's Law. Arrow
9 Electronics informed Intel when it found out about Plaintiff's technology and
10 plans. Intel then deceived Plaintiff and proposed a collaboration strategy that
11 aimed to prevent Plaintiff from entering the market. With Gelsinger's return and
12 Intel's announcements that manufacturing would be opened to independent
13 developers, Plaintiff assumed that Intel would start competing again, but
14 Consortium Participants at Intel installed Defendant Tan to oversee Intel's fab
15 and impede Gelsinger, continuing the Consortium protection scheme.

16 101. Intel holds a distinct position due to its significant investment in
17 manufacturing, which, up until 2012, positioned it ahead of other semiconductor
18 manufacturers. Additionally, its seamless integration of intellectual property
19 design with semiconductor manufacturing enables it to achieve a superior level of
20 design optimization. This is not possible with contract manufacturing, as contract
21 manufacturing necessitates the sharing of manufacturing parameters between
22 multiple companies and designers.

23 102. By 2012, Intel had the ability to provide CPU users with
24 exponentially growing power and functionality and make that functionality
25 available to both PC users as well as the smartphone market. The Consortium
26 faces the risk of losing its dominance in both central services and the smartphone
27 market. Since 2012, the elimination of Intel and AMD as competitors in the
28 smartphone market, as well as the destruction of low-power semiconductor

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1 technology and x86 access to AI, as well as autonomous computing, have led to
2 the exorbitant increase in the market capitalization of leading Consortium
3 Participants by more than 5 trillion dollars. By eliminating existing detrimental
4 design and restrictions that compel consumers to rely on service providers, Intel's
5 unique position can enable it to incorporate exponentially growing computational
6 power into its x86 CPU devices, enhance their efficiency with low-power and
7 faster computing technologies, and reduce the cost of these devices for consumers
8 by eliminating dependency on services. This is why Intel became the primary
9 target of the Consortium and why Intel directors who operate on behalf of the
10 Consortium and are enriched by it are interfering with and manipulating Intel
11 design and operations.

12 **E. INTEL'S CONFLICT AND TRAP**

13 103. Intel's policy, as stated in the 2024 annual report 10-K filing, is:

14 "We aim to deliver open software and hardware platforms with
15 industry-leading standards. We intend to lead and democratize compute with Intel
16 x86 and xPU."

17 104. Intel's products, as any product manufactured under free market
18 rules, are expected to be optimized for current economic and technological
19 market conditions. Intel products are expected to be efficient, secure, energy
20 efficient, and cost effective. The word "optimal" here conveys those four traits.

21 105. Antitrust law and the 1936 Supreme Court ruling, explicating the
22 1914 Clayton Act concerning IBM, establish Intel's legal duty to consumers to
23 permit unrestricted use of its products. Intel acknowledges this obligation, as
24 evidenced by its 2024 annual report 10-K filing, but in practice, it blocks
25 Plaintiff's products from operating on x86-based computers to protect the
26 Consortium's products and services from competition.

27 106. Intel owes it to its shareholders to optimize the usability of its
28 products, thereby enhancing their benefits to users and increasing their market

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1 value, which in turn leads to increased revenues for the company. In actuality,
2 however, the Consortium, consisting of entities that are Intel's competitors with
3 the index-based trade funds that control Intel's board of directors, is interfering
4 with its policies and holding Intel in a trap where Intel is forced to violate
5 antitrust law, actively impede competition, and allow its OEM to limit and
6 control the functionality that is available to users and programmers of its
7 x86-based computers.

8 107. The computational power that Intel can provide to consumers is
9 limited only by design capabilities, the number of transistors Intel can pack into
10 its devices, and technology constraints. The number of transistors Intel can pack
11 into its devices, its design capabilities, and its technological abilities increased
12 significantly throughout Intel's life due to Intel's enormous investment in research
13 and manufacturing. Under the undue control of the Consortium, Intel is forced to
14 withhold the fruits of that investment from its customers and shareholders and
15 manipulate its technology in order to prevent certain functionalities that are
16 critical for x86-based computer users but compete with the Consortium services.
17 The Consortium monetizes these functionalities, some of which Plaintiff's
18 software blocks from running on Intel computers, by offering them as toll-based,
19 centrally distributed services. Consortium Participants offer these services as
20 exclusive investment opportunities, and the restrictions on free usage of Intel
21 x86-based computers enhance the value of the publicly listed shares issued by
22 these service providers.

23 108. Intel's increasing available computational power resulting from its
24 significant research and development investment in keeping up with Moore's law
25 is in direct conflict with the Consortium's scheme. By manipulating Intel and the
26 market, the Consortium is preventing x86-based computer users from accessing
27 this power. In a free market, Intel's increased manufacturing and design powers
28 would have replaced the Consortium's products and services, but the

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1 Consortium's restrictions on x86-based computer usage hold back Intel itself as
2 well as by Plaintiff from competing with Consortium Participants' services and
3 products.

4 109. As this Complaint shows, the Consortium's scheme was and is based
5 on blocking critical x86 functionality from x86-based computer users and packing
6 it into exclusive, lucrative, toll-based, centrally distributed services. Predatory
7 design and market manipulation take away important functions from x86-based
8 computer users, like the freedom to manage and choose their Internet connections
9 and protect their computers from remote unauthorized access and operational
10 failures. These limitations are then turned into profitable investment opportunities
11 that make the Consortium Participants huge profits.

12 110. Intel provides the Consortium with the predatory design modification
13 that allows such abuse and has technology that can remedy such problems and
14 monetize those solutions to the benefits of Intel, its shareholders, and the market
15 as a whole. It results in an inherent existential conflict between the Consortium
16 and Intel.

17 111. As this Complaint outlines, that type of conflict between Intel and the
18 Consortium has also driven the multiple attacks on AMD by the Consortium that
19 forced AMD to sell its semiconductor facilities. It is also the reason why the
20 Consortium appointed Defendant Bryant as chairman of the Intel board and
21 instructed him to weaken Intel design and manufacturing in 2012, the reason why
22 the Consortium blocked Plaintiff's products and collaboration with Intel, and the
23 reason for the ongoing attack on Intel and the Consortium attack on Intel's x86
24 design. It is a repetition of the attack on AMD described below, which
25 culminated in 1996 with a Consortium Participant, Atiq Rasa, being appointed to
26 a key technical position at AMD and his abrupt resignation in 1999 that put
27 AMD's independence and survival in question, much like Intel today, and
28 similarly caused significant damage to the U.S. semiconductor industry.

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1 112. Section IX in this Complaint, IX. PLAINTIFF'S AND AMD,
2 AMD'S MANUFACTURING DESTRUCTION (page 82), details the crippling
3 damage the Consortium did to AMD after an attempt by AMD's founder and
4 Chairman, Jerry Sanders, and Plaintiff to introduce competitive technology to the
5 market. An extraordinary effort by Mr. Sanders saved AMD but left the U.S.
6 semiconductor industry significantly weaker. The Consortium aims to inflict
7 similar crippling damage on Intel's design and manufacturing capabilities.

8 **V. PLAINTIFF RIGHT TO FREELY USED CPU**

9 **A. 1936 SUPREME COURT ADDRESS OF THE CLAYTON ACT**

10 113. In 1936, the Supreme Court decided a case in which IBM forbade the
11 users of its card processing machine to use cards supplied by a third party,
12 forcing the use of cards made by IBM. According to the Supreme Court decision,
13 Section 3 of the Clayton Act makes it unlawful for any person engaged in
14 commerce to lease machinery "whether patented or unpatented" on the condition
15 that the lessee shall not use supplies or other commodities of the lessor's
16 competitor, where the effect of the condition "may be" to lessen competition
17 substantially or tend to create a monopoly.

18 A Syllabus 298 U.S. 131 is copied herein:

19 International Business Machines Corp. v. United States, 298 U.S. 131
20 (1936)

21 No. 758

22 Argued April 8, 1936

23 Decided April 27, 1936

24 298 U.S. 131

25 Syllabus

26 Section 3 of the Clayton Act declares it unlawful for any person engaged in
27 commerce to lease machinery "whether patented or unpatented" on the condition
28 that the lessee shall not use supplies or other commodities of the lessor's

1 competitor, where the effect of the condition "may be" to lessen competition
2 substantially or tend to create a monopoly.

3 Held:

4 1. The prohibition is violated by a condition requiring a lessee to operate
5 the leased machine only with supplies from the lessor, since this, in effect,
6 precludes the use of supplies of a competitor. P. 298 U. S. 134.

7 2. While the section does not purport to curtail the patent monopoly of the
8 lessor, the prohibition of tying clauses is not limited to unpatented supplies but
9 includes also supplies which have been patented to the lessor either separately or
10 in combination with the patented machine. P. 298 U. S. 136.

11 3. Assuming that, by implied exception, a tying clause would not violate
12 the provision, though it tended to create a monopoly, if its purpose and effect
13 were to protect the goodwill of the lessor in the leased machines, there is no basis
14 for the exception where the substantial benefit of the clause to the lessor is in the
15 elimination of competition and where it does not appear that protection of his
16 goodwill cannot be achieved by method that do not tend to monopoly and are not
17 otherwise unlawful.

18 B. LAYING THE ANTITRUST BREACH FOUNDATIONS

19 114. With an outmost priority of protecting its existing computational
20 products and services, IBM concludes that it must control and limit the
21 capabilities of users to program its new IBM PC.

22 115. The only technically possible way to restrict a CPU's
23 programmability is to use illicit product tying to block products that enable full
24 programmability while restricting the programmability of the CPU itself, which
25 by definition is an open system because it is a Turing machine, a machine that
26 can solve mathematical formulas.

27 116. The explicit 1936 Supreme Court decision and IBM's decision to use
28 illegal tying were the driving forces behind IBM's 1981 decision to divide the

1 design and standard setting of its personal computer between three manufacturers.
2 The appearance and proof of illegal product ties between multiple companies
3 would be easier to conceal, as well as more difficult to identify and legally
4 prosecute.

5 117. Starting in 1981, when Intel's x86 processor became the market's
6 dominant personal computing standard, numerous individuals and companies
7 began developing x86-compatible software tools and products, as well as
8 hardware solutions that enabled users to use the full capabilities and extend the
9 usage of their x86-based computers.

10 118. By 1984, when Intel introduced its x86 32-bit version processors, the
11 x386, despite IBM rejecting that standard in an effort to limit the PC's
12 competitiveness and Microsoft withholding an 32-bit version of its x86-tied
13 operating system and programming tools for its own reasons, possibly in
14 compliance with IBM demands, a significant number of 32-bit programming tools
15 and 32-bit extensions to the DOS operating system became available from x86
16 programmers and companies.

17 119. Rather than supporting x86-based computer users in their effort to
18 maximize the utilization of their x86-based computers, Intel moved to collaborate
19 with Microsoft and IBM in the creation of operating systems that would restrict
20 and limit the ability of users and programmers to access the full capabilities of its
21 x86 microprocessors while preventing programmers from accessing the
22 information and tools required for offering and marketing alternatives.

23 120. That effort to control and restrict x86-based computer users, which
24 began in the early 1980s, has remained a core aspect of Intel's current policy,
25 design, marketing, and customer relations to this day.

26 121. Plaintiff's software provides x86-based computer users with a variety
27 of capabilities, including the ability to choose their Internet connections,
28 peer-to-peer networking, data sharing, and transparent globally integrated email.

1 Plaintiff's software offers efficient client- and server-based database storage,
2 programming tools, and normalized user data with file-format-free encapsulations
3 and annotations, enabling transparent sharing and version control among users.
4 The Consortium withholds these ergonomic capabilities from consumers to ensure
5 their reliance on its toll-based services for sharing and information management.

6 122. Plaintiff's software depends on the ability of programs that run on
7 x86-based computers to freely access the x86 CPU interrupt instructions.

8 123. The Consortium Participants prevented Plaintiff's and similar
9 software, which uses free programmatic access to the x86 CPU to interrupt
10 instructions, from operating on consumers' x86-based computers. The
11 Consortium halted the software's operation on x86-based computers, enabling
12 Consortium Participants to provide paid services with comparable but inferior
13 functionality, shielded from competition. The Consortium aimed to maximize
14 consumer costs, monitor consumer x86 computer usage to gather personal and
15 business data, and create investment opportunities that take advantage of the
16 uneven market to profit Consortium Participants.

17 124. Consortium Participants, both individuals and companies, receive the
18 windfall in the form of profits from exclusive investment opportunities in
19 companies that are created to take advantage of Intel's exclusionary acts and an
20 increase in the value of publicly traded shares of companies benefiting from that
21 scheme.

22 C. INTEL X86 CONFLICT WITH THE CONSORTIUM

23 125. Intel x86 semiconductor devices are machines. These machines
24 belong to a specific type known as the "Random Access Memory Turing
25 Machine." Intel x86 computers, as well as any other computer, are subject to the
26 1936 Supreme Court decision. Companies that make, sell, or lease computers
27 cannot legally control, limit, or charge for using those computing devices freely
28 and creating software that can run on them.

1 126. Efforts to limit the ways consumers can use technology in order to
2 benefit dominant companies are not new. The fundamental principles of antitrust
3 law have their roots in the early 20th century, with the 1936 Supreme Court
4 decision addressing an IBM card processing machine that predated computers.

5 127. As x86 technology advances, it becomes a universal gateway to
6 online commerce, work, computing services, and social interaction. This allows
7 Consortium Participants to exert control over consumer usage for the benefit of
8 companies that coordinate standards, which over time erode the free usage of
9 x86-based computers by their owners.

10 128. Technology usage is increasingly becoming a critical legal and social
11 issue, significantly influencing the future shape of society. Concepts such as the
12 "Application Store" and restricted programming, now mandated by Google and
13 Apple on smartphones, were unheard of prior to smartphones and remain
14 unaccepted in the realm of personal computing.

15 129. The Consortium, including Consortium Participants inside Intel, is
16 attempting to replicate the illegal methods of restricting consumer rights that were
17 established in the smartphone market to the business and personal computing
18 markets by substituting consumer-available functionality with centrally controlled
19 services.

20 130. Companies that make, sell, or lease computers cannot legally control,
21 limit, or charge for using those computing devices, nor limit their free usage, nor
22 charge for the creation and marketing of software that can run on them.

23 D. THE CONSORTIUM SCHEME TO EXPLOIT THE INTERNET

24 131. The Consortium, with the assistance of Consortium Participants at
25 Intel, aimed to replicate the illegal methods used to restrict consumer usage of
26 smartphones in the business and personal computing markets by replacing
27 consumer-available functionality with centrally controlled services. Companies
28 that make, sell, or lease computers cannot legally control, limit, or charge for

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1 using those computing devices freely and limit the creation of software that can
2 run on them.

3 132. As this Complaint details, the CPU technology itself and the open
4 Intel x86 technology that brings it to the market are in an inherent conflict with
5 the Consortium. The Consortium established itself with the aim of limiting
6 consumer access to the CPU and other technologies it facilitates. That's why the
7 Consortium forced AMD to separate its design from its manufacturing and forced
8 it to sell its manufacturing facilities, and it is why the current attack is trying to
9 do the same to Intel.

10 **E. CONSORTIUM EXPLOITATION OF X86 DESIGN**

11 133. As this Complaint details, the Consortium's power comes from
12 controlling and restricting the use of the computational power Intel designed into
13 the semiconductor devices it manufactures.

14 134. The Consortium exerts its power in two distinct ways that control the
15 two aspects of users ability to use their x86-based computers: limiting the ways
16 that x86 CPUs can be programed and limiting the ability of x86-based computer
17 users to freely communicate over the Internet.

18 **F. LIMITING USER'S PROGRAMMING OF THEIR X86 CPU**

19 135. To limit Plaintiff and his potential customers to freely use and
20 program their x86-based computers, Intel's manipulate is x86 semiconductor
21 design and marketing policies in ways that hinder efficient programming on
22 x86-cased computers, thereby placing restrictions on running programs that could
23 compete with the Consortium's products and services. Preventing programmatic
24 access to x86 CPU interrupt instructions is one way that is used by the
25 Consortium to impose limits on the ability of x86-based computer owners to
26 freely program and use their users.

27 136. Limiting users' programming is also achieved by the Consortium
28 forcing Intel to design into its x86 processors special capabilities and make them

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1 available only to Consortium Participants in order to create an uneven market that
2 allows Consortium Participants to develop and sell centrally distributed services
3 but makes it impossible for x86-based computer programmers and users to
4 develop competing products. Consortium Participants such as Microsoft enjoy
5 access to significant areas of x86 devices that are critical for x86 programming
6 but are not accessible by x86 programmers and users who can only use small
7 portions of the current functionality available on Intel devices.

8 **G. CONSORTIUM BLOCKING ACCESS TO X86 INTERRUPTS**

9 137. As part of the effort to block access to x86 CPU interrupt
10 instructions, companies that provided programming tools that enabled such access
11 were destroyed, and the operating system currently associated with x86-based
12 computers was designed to prevent programmers from using x86 interrupts and
13 prevent programs that use x86 interrupts from running on x86-based computers.

14 138. As this Complaint details, free market forces or legitimate business
15 decisions did not cause those developments, but rather a nefarious scheme that
16 violated the law to maximize consumer costs and generate windfall profits for
17 Consortium Participants.

18 139. The "abduction" of x86 functionality that includes the blocking of
19 efficient access of programs to the x86 processor interrupt instructions and
20 memory management prevents effective software like Plaintiff's from running.
21 This is forcing consumers to purchase Consortium Participant services, which
22 provide handling of Internet server worst-case scenarios that businesses depend
23 on.

24 140. Despite its name, the Internet server worst-case scenario describes a
25 typical situation that any business providing service or product via the Internet
26 may encounter and must be prepared to handle. Activating a program that
27 distributes additional customers to additional resources is necessary to prevent
28 paralysis of the website server when too many potential customers approach an

1 Internet website simultaneously.

2 141. Such a program necessitates access to currently blocked x86 CPU
3 instructions or features not included in the current design. This forces consumers
4 to rely on Consortium's business computing services, which manage the
5 worst-case scenarios by allocating significant, large, and complex resources.

6 142. The Consortium's illegal tying and manipulation limits the capabilities
7 of x86-based computer users to provide commerce services via the Internet.
8 Consumers and most businesses are forced to make significant, unfair, and
9 unnecessary investments in energy and computing infrastructure, which they
10 cannot afford. In this way, the Consortium forced consumers and businesses to
11 rely on its services for the majority, if not all, of their Internet commerce. Such
12 limits imposed on x86-based computer users result in Amazon's advantageous
13 position in the market, including its exorbitant cost to its commerce users.

14 **H. BLOCKING OF INTERNET CONNECTIVITY**

15 143. The Consortium's illegal tying and technological manipulation hinder
16 the ability of x86 Internet users to freely choose their Internet connections. The
17 inability of consumers to freely choose their Internet connection hinders
18 Plaintiff's ability to market software that facilitates direct information sharing
19 among Internet users.

20 144. Taking advantage of the ability of x86 Internet users to freely choose
21 their Internet connection makes it possible for the Consortium to create
22 companies that provide connectivity capabilities between consumers as a service.
23 Consortium Participants launch and position companies like Smartsheet as
24 investment opportunities for Consortium Participants.

25 145. Smartsheet, a Consortium participant, positioned a product that
26 exemplifies that practice. The Smartsheet product facilitates data organization and
27 sharing among owners of x86-based computers. The Consortium Internet service
28 providers compel consumers to use cable modems that are illegally tied with an

1 subscription-based service at an exorbitant cost, generating windfall profits for
2 Consortium Participants. Simple design changes to the x86 based on Plaintiff's
3 technology should eliminate the need for additional security services.

4 150. The Consortium uses the inherent security vulnerability of x86-based
5 computers to justify antitrust violations of consumers' most fundamental rights,
6 which include their freedom to freely use their own x86 CPU to design and run
7 programs of their choice. The most notable argument advocates for the creation
8 of "application stores," which illegally restrict consumers' freedom to design and
9 run programs of their choice on their own computers. Plaintiff's technology
10 renders that argument moot.

11 J. X86 INHERENT FAILURES

12 151. The Consortium compelled both x86 companies, Intel and AMD, to
13 incorporate features into the x86 architecture that make x86-based computers
14 prone to failures. These failures result in sudden, unpredictable shutdowns of
15 x86-based computers, leading to loss of time, data, information, and, in some
16 cases, human life. The market recognizes that x86-based computers are prone to
17 failure. The inherent security vulnerability in x86-based computers affects
18 personal and business usage, significantly impacting the economy and
19 jeopardizing personal, business, and national safety.

20 16. The Consortium exploits the inherent failure of x86-based computers,
21 which hinders their local reliability and forces consumers to rely on centrally
22 distributed online services. This strategy aligns with the Consortium's strategic
23 goal of increasing the dependence of x86-based computer users on its toll-based,
24 centrally distributed services, thereby increasing costs to consumers.

25 152. Intel can remedy the inherent x86 vulnerability using Plaintiff's
26 technology.

27 K. PLAINTIFF'S CONTRACT

28 153. When a Consortium Participant company engaged in the destruction

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1 of an x86 software company, Ashton-Tate, and its products, Framework, in an
2 attempt to protect the Consortium Participants' products and services from
3 competition despite the product's popularity, Plaintiff, who had under license
4 developed, marketed, and supported the product at the time of its removal from
5 the market, attempted to purchase it but was offered a bribe to go away by
6 Consortium executives.

7 154. The Consortium executives argue that the continuation of the product
8 was "against the interest of the industry." Plaintiff prepared a lawsuit against the
9 Consortium, which detailed the destruction of the company that created the
10 product and its removal from the market. After lengthy negotiations, a contract
11 that transferred the rights to the product and its trademark to Plaintiff was signed
12 in return for Plaintiff agreeing to destroy the gathered evidence and withdraw the
13 prepared lawsuit against the Consortium.

14 L. PLAINTIFF'S MOTION TO INTERVENE U.S. V.

15 MICROSOFT

16 155. In May 18, 1998, the U.S. D.O.J. filed in The United States District
17 Court For The District Of Columbia an antitrust Civil Action No. 98-1232 v.
18 Microsoft Corporation,
19 <https://www.justice.gov/atr/complaint-us-v-microsoft-corp>
20 Plaintiff Moshe Frankel filed a Motion To Intervene in the said case,
21 <https://web.archive.org/web/20010515200354/http://views.com/>

22 156. Plaintiff filed the motion after concluding that the government's
23 complaint, which centered on the tying of a Microsoft browser with the Microsoft
24 Windows operating system to the detriment of Netscape, a company that
25 developed a browser for x86-base computers running the Microsoft Windows
26 operating system, failed to address the primary harm to consumers and the
27 fundamental cause of the uneven x86 market. The remedy requested in the
28 original complaint would have had a negligible impact on the monopolistic

1 arrangement between Microsoft, Defendant Intel, their OEM's and the
2 Consortium Participants. This arrangement continues to be a root cause of the
3 damage to consumers, as it eliminates competing technologies and companies.

4 157. Plaintiff Moshe Frankel, in his motion, presented his testimony and
5 requested, as a remedy, that the court order the splitting of Microsoft into two
6 companies, an operating system company and an application company. In the
7 initial complaint, neither the government nor the states requested the divestiture
8 remedy.

9 158. The District Court determined that Microsoft had maintained a
10 monopoly in the market for Intel PC operating systems. To remedy the Sherman
11 Act violations, the District Court issued a Final Judgment requiring Microsoft to
12 submit a proposed plan of divestiture, with the company to be split into an
13 operating systems business and an applications business, effectively adapting
14 Plaintiff conclusions.

15 159. On appeal, the District Court reversed that portion of its order on
16 administrative grounds and returned the case to its jurisdiction. However, the
17 case's judge resigned, and a new judge amended that part of the order.

18 160. Since 2001, Plaintiff's research focus has changed to semiconductor
19 architecture optimization. The filing of this lawsuit was prompted by new
20 information and understanding of the Consortium, Intel, and Defendant Bryant,
21 which emerged in light of the new research context and the relationship Intel
22 initiated with the Plaintiff.

23 VI. THE ANTICOMPETITIVE DESIGN ORIGIN AND PLAINTIFF

24 A. CPU PENNIES PER UNIT BREAKTHROUGH

25 161. Plaintiff first encountered the Intel CPU technology with its general
26 programmability capability in 1974, when it was being correctly described as a
27 breakthrough thanks to its low manufacturing cost and its ability to provide
28 ubiquitous general programmability and automation, which, as it was obvious at

1 the time, would impact every aspect of technology and markets.

2 162. Plaintiff became aware of a scheme to control CPU usage motivation
3 and logic before it was implemented with the introduction of the Intel x86-based
4 IBM PC. Plaintiff met with IBM executives in 1976 to introduce a technology
5 known as manufacturers inventory, which he had developed and utilized at his
6 electronic manufacturing company for internal purposes using mechanical parts
7 and paper cards. Plaintiff suggested that IBM could bring that design concept to
8 the market using a CPU.

9 **B. IBM PROTECTION RATIONAL**

10 163. Plaintiff demonstrated to IBM in 1976 a method of building
11 information management that eliminates the need for expert programming at the
12 operation level and gives users the transparent ability to build and customize
13 manufacturers inventory with cost control and pricing management. An IBM
14 executive responded to Plaintiff by saying, "This is precisely what we do not
15 want to happen."

16 164. An IBM executive told Plaintiff during the meeting that "uncontrolled
17 low-cost general programmability will destroy the business (of IBM's and the
18 computing industry)." and "we (IBM) must control how the CPU is used to
19 protect what we (IBM) do.

20 165. This same approach has guided the dominant computing companies'
21 strategy since the invention of the semiconductor-based CPU (Central Processing
22 Unit). Five years later, in 1981, IBM chose the Intel x86 CPU for its IBM PC,
23 disregarding the 32-bit Motorola 68000 CPU and the National Semiconductor
24 32000, both of which offered significant advantages in terms of computational
25 power and cost. Instead, it chose the 16-bit Intel technology as part of an
26 elaborate scheme detailed in this Complaint to curtail potential competition with
27 its bread-and-butter business from programmers of its new PC, which could
28 potentially undermine its core computational database, services, and products.

1 C. THE IBM PC "MONOPOLY CHAIN" LEGAL DESIGN

2 166. The invention and development of the CPU, along with the personal
3 computing it enabled, presented an existential problem for IBM. The very
4 concept of the CPU and its legal definition are in conflict with IBM's business
5 model and endanger its main revenue source, but IBM was facing a replacement
6 to its technology. To proceed with a new project, all IBM departments must
7 verify that it will not compete with any of the company's existing businesses.
8 IBM has faced conflicts in the past, as evidenced by the 1936 Supreme Court
9 decision regarding IBM card processing machines. To move forward with the
10 IBM PC, the legal department and project designers had to devise a strategy to
11 regulate and restrict the use of these computers, thereby preventing potential
12 competition with IBM's products and services. Since the CPU is a general
13 programmability device that can be programmed to perform any computation
14 task, IBM was looking for ways to use illegal tying to limit its IBM PC
15 functionality without assuming legal responsibility for those products.

16 167. That tying would have had to be done without raising scrutiny from
17 regulators or the ire of consumers and legislators. IBM's solution was to divide
18 control of the design, standard, and marketing of the IBM PC among equal
19 members of a "monopoly chain" consisting of equal partisanship between IBM,
20 Intel, and Microsoft, rather than providing the market with a product designed
21 and controlled by a single manufacturer. That division made it possible to
22 manipulate the technology, its marketing and positioning, and establish the illegal
23 tying that was designed to lessen competition. That illegal tying became the
24 formula that dominated the computing industry since and enabled the
25 Consortium's nefarious acts that this Complaint addresses.

26 168. The division in 1981 of the IBM PC product between multiple
27 companies was designed to and made it possible to mask the illegal ties that in
28 turn enabled the limitations imposed on competitive usage and the withholding of

1 information that restrict capabilities that are inherent to CPU as a general
2 programmability-capable device. This strategy was designed to protect IBM from
3 competition but instead enabled the forming of the Wintel Cartel and the
4 Consortium that replaced it, ending in just a few years IBM's dominance over the
5 industry. As this Complaint details, division and tying are still the main tools in
6 the Consortium's illicit arsenal, but their usage was expanded to make it possible
7 to create "investment opportunities." As this Complaint details, when Intel moved
8 to block direct communications between Internet users, it transferred its
9 technology to a third-party company to mask the tying that enabled that blocking
10 and at the same time monetize it as an investment opportunity for Consortium
11 Participants.

12 **D. INTEL'S X86 OPERATING SYSTEM**

13 164. By the time IBM approached Intel with its "tying by fragmentation"
14 strategy and plan, Intel had already provided IBM with a ready-to-use x86
15 operating system that was used to demonstrate and program x86 devices long
16 before IBM decided to launch the IBM PC project. That operating system, as
17 well as more advanced versions of it, was offered to IBM for the x86 PC. IBM
18 declined to accept that operating system for the PC, explaining to Intel that the
19 programmable access to x86 capabilities provided by the Intel operating system
20 did not align with its goals of limiting PC functionality to protect its products.
21 IBM reasoned that limiting functionality would be easier to conceal if a separate
22 company controlled the operating system. IBM proceeded to close a deal with
23 Microsoft, which at the time lacked an operating system but was ready to
24 collaborate with IBM's plan. Only after agreeing to IBM's plan did Microsoft
25 move to purchase an operating system and modify for the IBM PC which was
26 then became the main tool used to control the usage of the IBM PC by its users.

27 170. Microsoft moved to purchase an operating system and modify it to
28 create its MS-DOS operating system for the IBM PC only after an agreement

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1 with IBM with the terms and strategy that detailed illicit conduct by the two sides
2 was agreed upon. By the time Microsoft joined the IBM plan, Intel was already a
3 part of it. A testimony and discovery that was part of the 1998 DOJ v. Microsoft
4 antitrust case described how Microsoft CEO Bill Gates demanded that Intel CEO
5 Andy Grove remove a part of the x86 architecture that Intel engineers designed to
6 optimize graphic memory allocation. Bill Gates used the word "belong" to
7 support his argument. He argued that the particular functionality he insists on
8 removing "belonged" to Microsoft, "alluding" to the exiting of an original illicit
9 "tying by fragmentation" agreement that was designed, and as Gates' demand and
10 his usage of the word "belong" indicate, to lessen competition by eliminating
11 competition between the three Participants in the agreement.

12 E. CIRCUMVENTION OF ANTITRUST LAW BY DESIGN

13 166. IBM prioritized safeguarding its core business service from
14 competition by x86 PC programmers. As planned by IBM the division between
15 IBM, Intel, and Microsoft in terms of the obligations and services available to
16 x86 users and programmers made it possible to circumvent antitrust laws drafted
17 with a single manufacturer in mind.

18 167. That illegal tying of an operating system that was missing basic
19 business features such as networking, with limited memory and a close BIOS that
20 limited full access of programmers to the x86 instruction set by withholding
21 critical information, succeeded in preventing competition with IBM's products
22 and services, but not for long.

23 168. However, innovation in memory expansion, storage devices,
24 networking, extensions for the DOS operating system swiftly overcame the
25 restrictions placed on x86 users and software companies to compete in the
26 market. At the same time the tying between Intel and Microsoft products and the
27 limits it imposed made it impossible for companies to develop a product that
28 could offer a complete computing solution to individuals and businesses.

1 169. While the Intel-based x86 computers market started growing, Intel
2 found itself in an inferior position to Microsoft. Intel's high research and
3 manufacturing costs necessitated higher expenditures, and with few opportunities
4 to create aftermarket products for end users and profit from its x86 popularity, it
5 effectively found itself in a constant survival mode. Microsoft, on the other end,
6 enjoys direct relationships with both OEMs and end users and was able to
7 translate the IBM PC's popularity into exorbitant profits and a stronger financial
8 position. This made Intel more vulnerable to Microsoft's demands and paved the
9 way for a nefarious scheme that involved manipulating x86 technology, which
10 then expanded to encompass personal, business, mobile, and Internet-based
11 computing, as well as Internet access and financial services.

12 F. FROM WINTEL CARTEL TO FINANCIAL CONSORTIUM

13 170. The official relationship between IBM, Intel, and Microsoft, formed
14 in 1981, developed into the unofficial "Cartel" led by Microsoft as IBM started
15 losing market share to PC clone makers. Prioritizing the protection of its own
16 products and services, IBM declined to offer its PC users Intel x386 32-bit
17 processors, leaving that market to Compaq. As a result, IBM lost its initial
18 dominant position in the x86 market, leaving total control to Microsoft and Intel.
19 The term "Wintel Cartel" was coined when the Microsoft Windows operating
20 system began to gain market share due to the aggressive illegal tying of Windows
21 with x86-based computers by Intel's OEM that was forced by Intel on behalf of
22 Microsoft, as well as the preferred relationships between Intel and Microsoft.

23 171. The "Wintel Cartel" is a convention that describes, as the name
24 suggests, market dominance and alleged anti-competitive behavior of Microsoft
25 and Intel in the personal computer industry. Described in the University of
26 Chicago Law School, Chicago Unbound, Articles Scholarship, 2020, The Arc of
27 Monopoly: A Case Study in Computing, Randal C. Picker, Page 545.

28 https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=13977&context=journal_articles

1 172. Microsoft became the dominant player in the x86 market when IBM
2 lost its position to PC clone makers, starting with Compaq entry into the market
3 in 1983. Microsoft's dominance was the result of Microsoft's licensing relations
4 with x86 hardware makers, who depend on Microsoft's licensing of the DOS and
5 later the Windows operating system to be able to sell their products. Microsoft
6 also exerted influence over Intel's potential and actual x86 competitors, such as
7 AMD, who became dependent on Microsoft's assistance to achieve compatibility
8 between their x86 semiconductor devices and Microsoft operating system.
9 Additionally, end users of x86-based computers developed a reliance on
10 Microsoft for support, compatibility, and updates. As the market realized that
11 software running on x86-based computers could provide more and more IBM
12 core business functionality at a much lower cost, Microsoft's power over IBM
13 and other business computing companies increased. As IBM had anticipated when
14 dividing its PC line, Microsoft, with its ability to set PC operating system
15 standards and specifications and its significant influence on x86 PC makers, was
16 able to, and in fact did engage on behalf of IBM, in lessening the competition of
17 x86-based computer software with IBM and other established companies.

18 173. IBM's failure to seek the best technology for its customers and fully
19 adapt CPU-based personal computing in the 1970s set him on a decline path by
20 the mid-1980s. Inside the Wintel Cartel, Intel found itself in a weaker financial
21 position as a parts supplier to IBM and PC clone makers, selling a significant
22 portion of its products at low margin wholesale pricing while having to invest
23 heavily in research, development, and manufacturing.

24 174. Intel's vulnerability to Microsoft's whims and demands increased as
25 the x86 market transitioned from the DOS operating system to the
26 Windows operating system. Because Windows required more effort to maintain
27 compatibility with Microsoft standards, and Microsoft used that as a pressure tool
28 on both Intel and AMD, both became even more vulnerable to Microsoft's whims

1 and preferences.

2 175. Once IBM lost its dominance over the x86-based domain to
3 Microsoft, monetizing this dominance became the primary driving force behind
4 the Wintel Cartel's evolution and expansion into the wider Consortium. The
5 Consortium expanded rapidly, joining with technology and financial companies
6 that used the exclusivity and control over critical x86 design and its user
7 capabilities that the original Wintel Cartel founders, Microsoft and Intel,
8 exercised to maintain, protect, and monetize lucrative exclusive business provided
9 by a wide array of Consortium Participants.

10 176. As this Complaint details, the Consortium Participants used that
11 dominance to protect their own technological products and services, their
12 financial products and services, as well as the continuation of their dominance in
13 their respective areas.

14 177. The majority of the Consortium's profits do not come from the sales
15 of its two illegally tied and protected main products, the Microsoft operating
16 system and the Intel x86 semiconductor devices. It comes from financial gains
17 achieved by creating companies and selling publicly listed shares that gain value
18 as a result of the Consortium's market dominance, manipulation of technologies,
19 misinformation, and anti-competitive actions.

20 178. In the same token, the majority of the profits of the individuals who
21 are Consortium's Participants do not come from the salaries paid for the official
22 job they perform as executives or decision-makers in the companies that employ
23 them. The Consortium Participants' financial gains come from investing in
24 investment opportunities they create to take advantage of their positions as well as
25 the acquisition, in violation of the 1950 Celler-Kefauver Act, of publicly listed
26 shares of companies they protect from competition, which appreciate in value due
27 to the Consortium's market dominance, technology manipulation,
28 misinformation, and anti-competitive actions.

1 allow higher profit margins. NEC later pioneered the creation of the first
2 x86-based laptop computer. Other companies have also begun to develop their
3 own versions of compatible x86 semiconductor devices. Intel's anticompetitive
4 actions eventually forced NEC to abandon its x86 semiconductor device line.
5 Intel relied on exclusivity and its Wintel Cartel, which later became part of the
6 Consortium, provided it with opportunities such as the cable modem tying that is
7 detailed in this Complaint, but left it dependent on the Consortium as essentially a
8 commodity company.

9 184. To increase its profit margin and spread its risk, Intel needed to
10 create more capable products, but the PC line was limited by the anticompetitive
11 limits Intel agreed on with IBM and its increased dependency on Microsoft. On
12 the other hand, as a software company, Microsoft developed direct relations with
13 end users and controlled access to x86 capabilities and the ability to translate
14 those into profit.

15 185. Intel moved to develop a more competitive 32-bit version of its x86
16 CPU but encountered resistance from IBM, which views the programmability of
17 a more powerful CPU as a threat to its core business and declines to use it in its
18 PC product line.

19 186. The answer to Intel's problem appeared when Ben Rosen and a group
20 of engineers started a company named Compaq Computers. To access the
21 market, Compaq needed to develop a firmware layer that would provide
22 consumers with back-compatibility with the Intel IBM PC firmware (also referred
23 to as BIOS, or Basic Input Output System). Once Compaq completed this task,
24 the market became open to other manufacturers who competed to provide PC
25 clones to the rapidly expanding market. However, all these manufacturers fell
26 under the dominance of Microsoft, which, under minimal regulatory scrutiny,
27 used the allocation of its operating system to cement its hold on the market and
28 expand its product line.

H. INTEL KING-MAKER BY WIELDING INFORMATION

187. With the establishment of Compaq, Intel found itself an industry king maker. Compaq received Intel x86 information and tools, which enabled it to develop an IBM PC-compatible firmware BIOS and proceed with creating IBM PC clones. Customers who purchase an x86 device from Intel should have had access to this information, enabling them to fully utilize their computers, yet it remains largely hidden from the market to minimize competition.

188. Intel discovered that there is more profit in withholding information about its x86 products than in helping its customers use its x86 products freely to their maximum capabilities or enabling competition in building hardware that utilized their full capabilities. Accordingly, Intel directed its semiconductor designers to add a gamut of secret capabilities as well as unnecessary control features that create an uneven market where Intel restricts access to certain capabilities, some critical to programmers and some detrimental to safe usage of x86 computers, at different levels, to different customers, up to a level where, in order to fully debug and diagnose an x86 CPU operation, as is the case while designing hardware for uncooperative x86 devices, an Intel engineer with special equipment must be summoned from Intel to perform that task.

189. Currently, most of the functioning transistors in an x86 chip are designed to provide hidden features that are neither accessible nor advantageous to users. That large portion of the x86 devices was added by Intel to give Consortium Participants an unfair advantage and stop competition with the Consortium Services and scheme as detailed in this Complaint.

I. INTEL DOMINANCE

190. Intel's new fortune, however, was dependent on its ability to build and maintain total dominance of the x86 market. Intel built legal and marketing departments that, when threatened by competition, moved to squash it with no scruples. Intel implement anticompetitive practices including bribery of computer

1 makers and initiated frivolous lawsuits against NEC, AMD, and other companies
2 that attempted to build x86-compatible devices. NEC, having developed more
3 efficient x86 devices and supplied them to Plaintiff, found itself compelled to exit
4 the x86 market due to the expense of litigation, even though NEC ultimately
5 prevailed in that legal case.

6 191. AMD is kept at second place in the x86 microprocessor market,
7 despite AMD's comparable and sometimes superior product offering at lower
8 prices. Intel achieves that using help from the Consortium as documented in this
9 Complaint and by using bogus legal tactics as well as bribery payments to makers
10 of x86 computers in return for banishing AMD products, as was documented in
11 an antitrust lawsuit brought by NY State v. Intel in November 2009.

12 https://www.naag.org/wp-content/uploads/2020/10/573.civil_.NY-v-Intel-complaint-3.pdf

13 192. The European Commission imposed a record fine of 1.06 billion
14 euros on Intel in May 2009 for abusing its dominant market position. Intel settled
15 all outstanding antitrust and patent cross-licensing disputes with AMD for \$1.25
16 billion in November 2009.

17 193. Intel settled an antitrust case with the FTC in August 2010 by
18 agreeing to broad restrictions on its relationship with computer manufacturers and
19 its competitors. Plaintiff's firsthand experience with Intel and Microsoft is that
20 their settlements of antitrust cases brought against them have no effect on their
21 conduct.

22 J. THE CONSORTIUM'S ARCHITECT

23 194. Ben Rosen became the architect of the Consortium's prime
24 profits-producing and distributing instrument, issuing the traded shares and their
25 appreciation. Hatching initial public offerings (Compaq, Borland International)
26 combined with the destruction of competing software and hardware companies
27 accelerated the appreciation of Consortium's Participants issued shares.

28 195. Ben Rosen became the architect of the Consortium's

profits-producing and distributing instrument, issuing publicly traded shares and managing their appreciation. The hatching of initial public offerings (Compaq, Borland International) combined with the destruction of competing software and hardware companies accelerated the appreciation of Consortium's Participants issued shares. The illicit collaboration between the computing and financial sectors continues to be organized as a loose organization of venture capital, investment banking, and index-based fund companies with hardware and software companies that gladly join in making windfall profits by destroying and lessening competition.

196. A key to that approach became the abduction computing functionality, which is critical for business or personal x86-based computers. The Consortium's control over software and hardware then blocks or impairs this functionality, while a newly launched company that issues public shares offers it as a service. What initially appeared as a barrier to competition developed into a more profound form of active "prevention," which included the destruction of products, companies, and, most damaging, efficient technologies that empower consumers and the economy.

197. In 1987, a computer executive told Plaintiff that if the spreadsheet had been invented by a corporation and not an individual, the "industry" would have devised a strategy to prevent it from reaching the market or to confine it behind a barrier of complexity and limited accessibility, keeping it from the hands of consumers and under the control of industry professionals. Numerous inventions and technologies aimed at ergonomically integrating computing with human cognition met the same fate. The industry later achieved its goal by restricting spreadsheet integration in ways that limit competition with the IT industry.

198. Among the technologies that were and are blocked from reaching the market are the interactive evaluation of linguistic expressions, the ability to

1 design database normalized business management information systems without
2 programming, the ability to transparently synchronize information between users,
3 and many others listed later in this Complaint. Such technologies are blocked by
4 manipulation of the x86 semiconductor architecture, operating systems, and
5 sometimes simply by arbitrary rules, such as Apple's restrictions on applications
6 that can be sold in its stores and run on its smartphones. The biggest impact,
7 however, on consumers and the economy came from the destruction and blocking
8 of low-power computing technologies that conflict with the Consortium's
9 long-term objective addressed in this Complaint. Academic institutions that
10 created the new field of VLSI design were incentivized with generous
11 contributions and access to investment opportunities to support the Consortium's
12 objectives, and the EDA (Electronic Design Automation) companies were
13 positioned as gatekeepers to control entry to semiconductor manufacturing that
14 used to preclude technologies that challenge the Consortium from the market, as
15 detailed later in this Complaint.

16 199. In conversations with Plaintiff industry executives listed features that
17 software products should not provide to consumers in order to protect the
18 Consortium's control. On multiple occasions and in different circumstances by
19 different executives the reason given to blocking those features were "they are
20 against the interest of the industry.". Those features and traits include:

21 - Lower power consumption that would allow mobile personal computing.
22 - Automated data normalization, mirroring, context journaling, and full
23 search.
24 - Unified data exchange formats.
25 - Programmatic and automated control over telecommunication modem
26 protocols.
27 - Universally embedded evaluation.
28 - Programming-free normalize relational database design.

1 - Automated load balancing.
2 - Direct CPU allocation for parallel tasks.

3 200. Ben Rosen, at the helm of Compaq and its own venture capital
4 company, spearheaded an effort to safeguard databases and consulting companies,
5 enlisting them in the Consortium and its stock market scheme. As part of this
6 effort, Intel and Compaq withheld support for 32-bit programming for the 32-bit
7 x386 for a decade, from 1985 to 1995. However, companies outside the
8 Consortium developed numerous essential x86-based business capabilities. Novell
9 developed networking capabilities, hard drive manufacturers provided large
10 storage capacity, and independent developers made 32-bit compilers and
11 operating system extensions available. Intel and Compaq, along with other Intel
12 OEMs who entered the market, illegally tied the Microsoft 16-bit operating
13 system to x86-based computers, thereby blocking support for 32-bit programming
14 until Microsoft introduced its 32-bit version of Windows in 1995.

15 201. Ben Rosen was the key person in the removal from the market of a
16 host of companies, their products and technologies, that competed with the
17 Consortium, Digital Equipment, Ashton-Tate, and Borland International, as
18 detailed hereafter.

19 202. In order to compensate Intel for the losses in x386 sales due to
20 Microsoft's decision to withhold 32-bit programming from the x86 market,
21 Microsoft added significant CPU operations overhead to Windows, which in turn
22 slowed down software running on x86 computers and created a demand for
23 higher-speed CPUs. Using "Dark Silicon," Intel boosted the clock speed of the
24 x386 CPUs to offset Microsoft's slowing overhead. Consumers were forced to
25 upgrade to x386 computers before they could develop 32-bit software that
26 allowed them to utilize their investment.

27 203. To prevent users from taking advantage of the x386 32 bit
28 programming using DOS 32-bit extenders, such as the one owned by Plaintiff,

1 which provide transparent 32 bit programming capabilities, the Consortium
2 stopped the sales of computers with DOS and forced consumers to buy computers
3 with Microsoft Windows pre-installed. Dell Computers, for example, was forced
4 by the Consortium to force its own customers to pay for Windows, increasing the
5 cost to its customers, even though internally its own business operations continue
6 to be conducted using the more efficient DOS operating system that did not
7 mandate CPU overhead, more expensive hardware, and significant delays and
8 loss of time on maintenance and unnecessary slow reboots.

9 **K. THE CONSORTIUM'S LONG HANDS**

10 204. In 1988, Plaintiff entered into a development agreement with Texas
11 Instruments to use his technology to develop an x86-compatible operating system
12 with a universal graphic interface that will run on the x86-compatible TIGA
13 (Texas Instruments Graphic Adapter) card. TIGA was an x86-PC plug-in graphic
14 card that included the first GPU (Graphic Processing Unit) that was invented by
15 Texas Instruments. It allowed hardware-based graphic processing independently
16 of the x86-based computer CPU and included a compiler to achieve that task. The
17 project reached a significant milestone in 1991.

18 205. In 1991, Texas Instruments reached out to Plaintiff to let him know
19 that it was exiting the computer and CPU markets, discontinuing the production
20 of the TIGA card, and selling its computer division to Hewlett-Packard (HP). HP
21 is a prominent Intel and Consortium collaborator on various projects, including
22 the 200 LX, which will be discussed later in this Complaint, and the Itanium
23 processor. HP is also, at different times, Intel's largest x86 OEM.

24 206. Texas Instruments, which created its own line of computers and
25 manufactured x86-compatible semiconductors under a license from Intel, ended
26 its venture into the computer and workstation markets, deciding to focus instead
27 on the DSP (digital signal processor) and semiconductors for embedded,
28 industrial, and communication markets. Unofficially, Plaintiff was told that the

1 decision to exit the CPU-based personal and business computer market was based
2 on the realization that the noncompetitive, skewed marketplace created by IBM,
3 Microsoft, and Intel had become omnipotent as it transformed from the Wintel
4 Cartel into the Consortium, which includes dominant financial firms, making it
5 impossible to participate in it without breaking antitrust laws pertaining to pricing
6 and technology coordination between businesses and consumer abuse.

7 207. National Semiconductor executives conveyed a similar message to
8 Plaintiff following a 1995 discussion about integrating Plaintiff's technology with
9 their x86 low-power and low-cost marketed under the name "Geode" that was
10 used in personal computing devices, with significant market share in South
11 America but were not available to consumers in the U.S. Following that
12 discussion, National Semiconductor sold its x86 part to AMD, ending its ability
13 to challenge the Consortium.

14 208. In 2003, Plaintiff implemented his design as a semiconductor based
15 technology using a FPGA (Field Programmable Gate Array) semiconductor
16 development and testing system and tools purchased and licensed from Altera, an
17 FPGA company. Altera provided semiconductor developers with access to a
18 manufacturing method known as "Hard Copy" as part of the development
19 licensing agreement. Plaintiff attempted to bring his technology to the market
20 using the Hard Copy manufacturing technology, but after Altera executives found
21 out from Plaintiff that the intended target market of his design was an
22 x86-compatible consumer product that will provide general programmability with
23 personal and business functionality, Altera refused further communication with
24 Plaintiff.

25 209. NEC executives conveyed a similar message to Plaintiff in 2003
26 during a discussion about combining Plaintiff semiconductor technology with
27 NEC x86-compatible product lines. Despite its significant success, the NEC x86
28 product line was previously removed from the market due to an Intel lawsuit,

1 which resulted in a lengthy and costly legal battle.

2 210. NEC executives shared with Plaintiff that the company that developed
3 both 16-bit and 32-bit x86-compatible semiconductor devices and manufactured
4 the first successful x86 laptop computer was attacked by a frivolous legal lawsuit
5 from Intel and decided to abandon its x86 investment because of the skewed
6 personal computer market and the risk that market posed to the rest of the
7 company. NEC made this decision despite having ultimately won its legal battle
8 with Intel in court.

9 211. Intel acquired Altera for approximately \$16.7 billion in December
10 2015. As one of two leading providers of FPGA semiconductor design devices
11 and tools, Altera allowed independent developers and companies to design and
12 test semiconductor devices as well as bring their designs as products to market.
13 By taking over Altera, Intel gained effective control over that access to the
14 market. Intel refrained from integrating the Altera FPGA technology with its x86
15 technology, which could have expanded x86 programming power and increased
16 design options for x86 developers, due to the potential risk this integration could
17 pose to the Consortium. Intel maintained the Altera product line as a distinct,
18 separate technology, encased in burdensome marketing layers that effectively
19 shield the Consortium from competition.

20 212. In February 2022, Xilinx, the only other FPGA leading company,
21 was taken over by AMD, the only other x86 company, which is dominated by the
22 same Consortium Participants, in an all-stock transaction valued at approximately
23 \$49 billion and its integration with AMD similar lines.

24 213. In 2007, Plaintiff initiated a discussion with Texas Instruments about
25 implementing low-power, semiconductor-based general programmability, which
26 provided transparent compatibility with personal and business computers in
27 mobile processors to enable Texas Instruments to maintain its leading position as
28 a supplier of telecommunication processors to the two dominant mobile phone

1 companies at the time, Nokia and Motorola. It would have enabled Texas
2 Instruments to maintain its leading position as a supplier of telecommunication
3 processors. In a discussion that, at the Plaintiff's insistence, was shared with
4 Texas Instruments CEO, Plaintiff's suggested that Apple's iPhone and Google's
5 Android entry into the market would lead to the inevitable decline and market
6 loss of Nokia and Motorola with the loss of that market to Texas Instruments.
7 Texas Instruments could have preserve its leading position in the market by
8 providing superior and more efficient open autonomous personal and business
9 development capabilities, which Apple's iPhone and Google's Android phones
10 are designed to withhold from users of their smartphones. Texas Instruments
11 declined, effectively resigning itself to the loss of its investment and position in
12 the mobile phone market, just as it had previously lost its investment and position
13 in the computing market.

14 214. Soon after, both Motorola and Nokia lost their leading position in the
15 cell phone market. Microsoft and Google, respectively, took over their cellular
16 divisions. Texas Instruments exited the mobile processor business around 2012
17 after being the major supplier of processors and baseband chips for Nokia and
18 Motorola during their peak years. The company restructured and implemented
19 significant job cuts rather than compete with the Consortium. In 2012, Texas
20 Instruments announced plans to cut 1,700 jobs as it shifted its focus away from
21 the smartphone market. Texas Instruments had previously earned a significant
22 portion of its income from mobile chips, resulting in the company's significant
23 downsizing.

24 **L. THE CONSORTIUM'S UNWRITTEN MARKET RULES**

25 215. Index-based trade funds invest their client funds in indexed
26 companies, thereby reducing their clients' investment risk through diversification
27 among the indexed publicly traded shares. As their own prospectus stipulates,
28 their managers must follow the index and refrain from influencing companies or

1 markets. If that stipulation is violated, a single entity consisting of a small
2 number of closely connected individuals would end up controlling and influencing
3 all the market-dominating companies in violation of every aspect of antitrust laws
4 and financial regulations.

5 216. This Complaint details how a Consortium, which includes the
6 index-based funds whose managers played a central role in its formation and
7 operations, unduly influenced multiple segments of the technology market,
8 including x86 semiconductors and software, the smartphone market, Internet
9 access, and online commerce. This influence resulted in the deceptive fabrication
10 of fake competition and the illusion of a free market, concealing an
11 anticompetitive strategy and policies that mandate the exclusion from the market
12 of efficient technologies that can reduce costs while forcing consumers to accept
13 impaired technologies that enhance the Consortium's profits.

14 217. Currently, free market rules do not apply to companies that can
15 challenge the Consortium, such as Intel and AMD. Nor do they lead to better
16 products or lower prices for consumers. Companies are forced to select and
17 manipulate technologies to raise consumer prices, safeguard the Consortium's
18 control, and restrict consumer ability to use their computational devices. The
19 Consortium aims at maximizing its profit from the activities of consumers, and to
20 achieve this, it manipulates technology, robbing consumers of their independence
21 and compelling them to purchase unnecessary services. To that end, technologies
22 such as Plaintiff's that allow consumers to avoid purchasing unnecessary services
23 are banned from the market.

24 **VII. INDEX-BASED TRADE AS A CIRCULAR OWNERSHIP**

25 **COVER-UP**

26 **A. HIDING CIRCULAR OWNERSHIP IN PLAIN SIGHT**

27 218. The Consortium's primary leaders are composed of eight entities and
28 their leaders. The three major index-based investment funds, Vanguard Group

1 Inc., BlackRock Inc., and State Street Corporation, and five technology
2 companies that dominate their respective markets, Microsoft, Amazon, Apple,
3 Nvidia, and Qualcomm. The five technology companies gained their position due
4 to the appreciation of their share value, which, as detailed later in this Complaint,
5 was largely achieved through manipulation of x86 technology. By acquiring the
6 majority shares of entire industry sectors, the three index-based trade funds offer
7 direct control, coordination, and communication methods that regulators cannot
8 easily scrutinize. These include the majority shares of Intel and AMD, the sole
9 suppliers of x86 technology.

10 219. The three investment funds and the five companies, Microsoft,
11 Amazon, Apple, Nvidia, and Qualcomm, have established a circular ownership
12 relationship that encompasses entire technology sectors through a multitude of
13 mutual investments in shares and projects. The Consortium's design conceals and
14 amplifies the profits it reaps from illicit actions like breaching antitrust laws and
15 financial regulations by manipulating technologies and markets to boost the three
16 investment funds' index-based profits and the direct investments of Consortium
17 Participants in the so-called "investment opportunities" that the Consortium
18 creates and offers to its Participants.

19 220. This market structure conceals and amplifies profits derived from
20 questionable practices. The introduction of companies such as Smartsheet and
21 CrowdStrike that provide superfluous services for which consumers are forced to
22 pay and the appreciation of publicly traded shares value as a result of those
23 practices enhance index-based fund returns, while the scheme structure raises
24 ethical and legal concerns about transparency, accountability, and fiduciary
25 responsibility in corporate governance. As this complex ownership model
26 continues to evolve, it invites scrutiny regarding its implications for market
27 integrity and the broader economic landscape. This model's design effectively
28 prevents individual investors in index-based trade from balancing short-term

1 profit maximization with long-term responsible business practices and strategic
2 goals that would maximize the total return on their investment and enhance the
3 behavior of the companies they invest in.

4 221. The fund prospectus, which mandates that fund managers make
5 purchases and sell shares based on the shares' short-term performance while
6 disregarding long-term considerations, compels companies that span entire
7 technology and service sectors, which are dominated by index-based trade funds,
8 to adhere to unsustainable short-term tactics. This perpetuates a cycle that
9 prioritizes immediate gains over innovation and sustainable growth, thereby
10 undermining the potential for a more stable and responsible economic landscape.

11 **B. CIRCULAR OWNERSHIP HIDES ANTITRUST VIOLATIONS**

12 222. Trade-based fund investments allow circular ownership that conceals
13 direct antitrust violations involved in undue influence, communication, and
14 coordination designed to lessen competition. The x86 and Internet service
15 provider sectors worked together to strip x86-based commuter users of their
16 ability to choose their Internet connections. This control was available to
17 x86-based computer users until the end of the 1990s.

18 223. After Intel developed a unified x86 modem protocol to standardize
19 Internet service transmission, Intel and Internet cable companies worked together
20 to incorporate an unnecessary additional processor into a "cable modem" and
21 force users to use it while preventing the use of the technology with existing
22 coaxial cable (network) modems compatible with x86-based computers. This
23 action enabled Internet providers to remotely exert control over their users'
24 modem operations, thereby preventing Plaintiff's x86-based products from
25 providing essential features like inter-user synchronization, data sharing, direct
26 email, and inter-user communication to users of x86-based computers. 224. The
27 Consortium Participants, dominated by the three primarily index-based
28 investment funds that portray themselves as a financial scheme in their official

1 prospectus, are in fact running an illicit scheme that violates financial and
2 antitrust laws. The design of the three funds' prospectuses, combined with their
3 anticompetitive actions, results in violations of the 1950 Celler-Kefauver law.
4 The funds purchase the dominant shares of entire industries and commerce
5 sectors with the intention of lessening competition, as detailed in this Complaint.
6 Their scheme is dependent on the obstruction of direct communication between
7 Internet users, as detailed in this Complaint, that results in a sharp increase in the
8 value of the publicly traded shares of companies that are protected from
9 competition as a result of that obstruction. The Consortium Participants convert
10 this illicit protection scheme into a windfall gain of publicly traded shares. As
11 outlined in this Complaint, the Consortium's scheme, which started to block
12 direct communication between Internet users in 1997, forces consumers to
13 purchase the same functionality that Plaintiff's products offered prior to 1997
14 from Consortium Participants who provide these services as subscription-based,
15 centrally distributed services. These subscription-based services are 50 times
16 more expensive, less efficient, slower to respond, less safe, secure, and reliable,
17 and are dependent on an Internet connection, making them susceptible to
18 unexpected shutdowns.

19 **VIII. PLAINTIFF STRUGGLE WITH THE CONSORTIUM -**

20 **ASHTON-TATE**

21 **A. ASHTON-TATE**

22 225. By 1984, Ashton-Tate had developed x86 software that provided
23 individuals and businesses with everything that was needed to build and maintain
24 independent data management and commerce using x86-based computers.
25 Ashton-Tate provided significant new and improved functionality, reduced
26 business costs, and broadened the market by introducing self-educating products.
27 These products enabled individuals and companies without any computing
28 experience to construct and oversee intricate manufacturing, commerce, and

1 services that ranged from public transportation to medical care. Following the
2 Consortium's removal of Ashton-Tate and its products from the market in 1991,
3 a large number of individuals, companies, and organizations reached out to
4 Plaintiff for updates and support for Ashton-Tate software products.

5 226. During the early 1980s, when the x86-based PC was first introduced,
6 the company developed a new business model and software licensing. This model
7 offered customers automated, user-friendly x86 programming tools and functional
8 templates, ready to run as stand-alone applications, which Ashton-Tate licensors
9 could then distribute to their own employees and customers. This led to the
10 creation of a burgeoning market, where thousands of independent value-added
11 resellers (VARs) emerged, offering custom database programming and support
12 for x86-based computers. Each year, Ashton-Tate released a Developers Guide
13 listing over 1000 VARs in the U.S. markets, boasting 26 million registered users
14 involved in x86 development activities. This figure does not include the
15 significantly larger user base of its runtime version, which is distributed by its
16 VARs. Ashton-Tate dominated that market worldwide.

17 227. Ashton-Tate employed a trained sales force that marketed
18 Ashton-Tate's database software design programming tools. This force, in
19 conjunction with thousands of independent programmers and companies already
20 engaged in providing custom programs to businesses worldwide, successfully
21 attracted numerous large companies and organizations as clients. These clients
22 included Travelers Insurance, the Army Corps of Engineers, the U.S.
23 departments of Interior and Defense, and the U.S. Air Force, among others, who
24 received support and updates from Plaintiff following Ashton-Tate's removal
25 from the market in 1991.

26 228. Ashton-Tate's business technology and licensing models, specifically
27 its runtime licensing, were being replicated by other companies such as Foxbase,
28 alarming IBM and database companies as the popularity of its database product

1 started growing the autonomous x86-based share of the business computing
2 market. Ben Rosen, having already coordinated the Consortium's blocking of
3 32-bit programming of Intel x86 to protect the core business of IBM and other
4 companies that dominated database technology before Ashton-Tate opened PC
5 programming to relational database technology, spearheaded a Consortium effort
6 to remove Ashton-Tate and its products from the market. The effort targeted a
7 host of companies, products, the technologies behind them, and the licensing
8 models that popularized them, as well as thousands of value-added resellers of
9 Ashton-Tate and compatible technologies such as Foxbase, who operated
10 businesses that provided custom programming and support to a large number of
11 companies and individuals that relied on them for custom management and
12 accounting software. A market targeted by Consortium Participants such as
13 Microsoft, who target that market with a product called Microsoft Money and
14 acquire Foxbase, eliminating the support to Ashton-Tate Vars, who were using
15 that product.

16 B. NOVEL, ASHTON-TATE AND BORLAND DEMISE

17 229. A few years after the introduction of the Intel x86-based IBM PC in
18 1981, companies like Novell and Ashton-Tate, who respectively pioneered
19 networking and database technology on the x86-based computers, were gaining
20 significant market share of business computing. They were competing with
21 service companies like IBM by providing autonomous, competitive technology to
22 large businesses and institutions, while also expanding the market by introducing
23 business information management to smaller companies and individuals.

24 230. IBM and the rest of the computing services-based industry move
25 aggressively to curtail that competition from PC software companies. The
26 anticompetitive powers provided by the collaborative agreement on the PC
27 "monopoly chain" tying structure that enabled the "Wintel Cartel" dominance
28 became even more critical in the effort to control and impede the competitiveness

1 of an increasing number of companies that rely on x86-based personal computers
2 to provide the market with essential products and services. However, the original
3 design of the anticompetitive war line to safeguard IBM's core services
4 underwent a revision. The focus of the anticompetitive effort shifted to the
5 destruction and prevention of autonomous control of computers by their users,
6 with the aim of compelling consumers and companies to rely on toll-based,
7 centrally distributed services. 231. Ashton-Tate, the company that brought
8 database technology to x86-based computers, also introduced an advanced unified
9 application and programming product, which Plaintiff started to use in his
10 research on optimal control systems that he engaged in since the mid-1960s
11 before the availability of semiconductor-based logic. The pioneering RunTime
12 licensing and VARs (value-added resellers) allowed database programmers and
13 consultants to purchase a RunTime license for Ashton-Tate products, customize it
14 for individual customers using its built-in programming language, and distribute
15 their work with a copy of the Ashton-Tate software product without having to
16 pay royalties or purchase additional software packages, making the company's
17 products highly competitive against some of the largest companies in the
18 computing industry.

19 232. Even more competitive were the thousands of companies listed in the
20 yearly publication of the Ashton-Tate Developers Directory, who rely on the
21 Ashton Tate Runtime licensing model to offer custom database programming and
22 consulting that enabled autonomous use of x86-based computers and
23 customization of information systems beyond anything that can be made available
24 as a centrally distributed service.

25 233. Ashton-Tate products and VAR's services were being widely used by
26 individually owned businesses as well as large companies such as Travelers
27 Insurance, institutions such as hospitals and schools, local government, the U.S.
28 Military, the U.S. Air Force, the Army Core of Engineers, The World Bank, as

1 well as banks in developing countries, to mention some of the users included later
2 in Plaintiff's customers list.

3 234. Ashton-Tate was expanding rapidly; however, when the company
4 became public, it made itself vulnerable to outside influence from investors who
5 joined the Consortium and shared interests and investments that conflicted with
6 the company they effectively controlled. Ashton-Tate's accelerated growth and
7 competitiveness made other companies vulnerable to competition from its
8 products. Investors, who controlled Ashton-Tate through its board, appointed
9 executives tasked with hindering the company's competitiveness, while the
10 company's innovators and honest consumers' advocates grappled with a
11 perplexing, ongoing conflict with management. That formula that was executed
12 by Consortium Participants was well tested as it was used on numerous
13 companies, and as this Complaint details, it is being used on Intel to achieve
14 similar results, protecting the Consortium's illicit scheme.

15 C. INTEL TRAP

16 235. By 1984, Intel had added to its line of 16-bit x86 devices a 32-bit
17 x386. Aimed at boosting its profit margin, which stemmed from its role as a
18 commodity supplier to the budding Wintel Cartel, the development of the x386
19 32-bit presented a challenge to IBM. The new powerful technology could
20 compete with IBM's core business, database consulting services to large
21 companies, and with its more expensive, larger computers. Pre-production
22 samples of the new 32-bit x386 were made available to Microsoft and IBM.

23 236. IBM perceived Intel's attempt to enhance its product's computational
24 capabilities by extending the x86 16-bit to the 32-bit x386 as a challenge to its
25 core business and declined to incorporate the x386 32-bit into its IBM PC
26 computers. Intel chose Compaq Computers as a preferred partner to introduce the
27 x86 32-bit to the market, hoping to reduce its reliance on the emerging
28 Consortium and boost its profit margin by offering more powerful and capable

1 32-bit computers to the PC market.

2 237. The Consortium accepted the introduction of 32-bit x86-based
3 computers by Intel and Compaq into the market, but it came with a price: the
4 withholding and blocking of 32-bit programming tools from consumers, as well
5 as a prolonged delay in the availability of 32-bit operating systems and
6 peripherals.

7 238. By 1984, George Tate, the founder and CEO of Ashton-Tate, a
8 company that introduced database business technology to the x86-PC and already
9 provided consumers with a suite of programmable products that met all business
10 and personal needs, expressed interest in offering a complete x86-based solution.
11 This solution would include a 32-bit operating system and an integrated software
12 suite, providing complete business and personal functionality to x86-based
13 computer users. The Ashton-Tate solution, which integrates users' environments
14 and development tools, has raised significant concerns among Consortium
15 Participants. The potential impact on IBM and other service and database
16 companies would have cut deep into their business.

17 239. Instead of providing programmers with a 32-bit DOS extension, like
18 the one Plaintiff possesses, that permits users to execute 32-bit programs on their
19 computers, the Consortium implemented intricate measures to postpone the
20 availability of 32-bit programs and their programmability until 1995—a ten-year
21 delay. Simultaneously, the Consortium decided to obstruct database operations
22 technology on x86 computers, safeguarding the highly profitable database
23 services offered by Consortium Participants, IBM, and specialized database
24 companies.

25 240. In 1984, George Tate, Ashton-Tate founder and CEO, unexpectedly
26 passed away. The Consortium Participant seized control of the company,
27 interfered with its management, manipulated its credit line, and subjected its
28 employees to deliberate, anticompetitive mismanagement. Key executives left as a

1 number of executives arrived from Consortium Participants and were installed in
2 top company positions by the board that fell under the Consortium influence.

3 241. Among the first decisions taken by the arriving executive was
4 cancelling the development of products that challenged Consortium's Participants
5 products and designs, as well as stopping the updates of 16-bit software to 32-bit
6 to prepare for the new x86 32-bit computers from Intel and Compaq. This
7 decision aligned with the Consortium's strategy of restricting the programming
8 options of Intel x386-based 32-bit computers to their users, with the aim of
9 shielding Consortium companies' products and services from competition.
10 Consequently, the majority of x86 computer users were unable to utilize their
11 32-bit computers for a full decade.

12 242. The methods that were used by executives, some arriving from IBM
13 and some positioned by the venture capital firm Kleiner Perkins, were well tried
14 and tested; the same method was used later at Borland International and eventually
15 Intel. Ashton-Tate's top talent and producer employees were pushed out of the
16 company, competitive projects and updates of existing technologies were blocked,
17 salespeople and representatives were ordered, and incentives were given to curtail
18 sales of competitive products while promoting declining products. Outsiders
19 manipulated the company's share price downward and launched a propaganda
20 campaign that disparaged its products and employees.

21 243. In a harbinger to the Consortium manipulation of the x86 technology
22 by interfering with Intel and AMD the Consortium moved to end autonomous
23 programmable database and programming tools RunTime licensing business
24 model. Alongside Ashton-Tate, a programming tool company named Borland
25 International developed a similar business model, focusing on independent
26 programmers using the DOS operating system. The company's technology gave
27 programmers using the Borland International programming tools unlimited access
28 to the x86 instruction set. The company was approached by Ben Rozen, a venture

1 capitalist, the main investor behind Compaq Computers, which introduced the
2 first Intel X386 32-bit computers in 1985, and the Consortium point man to deal
3 with the potential unwanted competition database companies faced from
4 Ashton-Tate.

5 244. Ben Rozen invested in a database company that produced the Paradox
6 product that was modeled after the Ashton-Tate database product. He then
7 approached Borland International and suggested that Borland acquire the Paradox
8 database company with his financing, aiming to rival Ashton-Tate with a business
9 model similar to Ashton-Tate's highly successful model. The true hidden agenda
10 behind the plan was to destroy the technologies that the three companies had
11 brought to the market in order to safeguard the Consortium's objectives. Borland
12 International accepted Rosens' offer along with financing from Rosen, who
13 became Borland's board of directors chairman. Borland International then
14 approached Ashton-Tate and offered its 11 directors an extremely tempting offer,
15 designed by Rosen, if they agreed to a Borland's takeover.

16 245. Plaintiff became concerned about the potential intentional destruction
17 of the technologies he relied on for his research. Ashton-Tate's new executives
18 took various actions to cause this destruction, including eliminating the product's
19 development budget, restricting the product interface to only the essential features
20 available internally, and instructing the Ashton-Tate sales force not to sell the
21 product, even to businesses that would most benefit from it.

22 246. Under Ben Rosen's chairmanship, Borland experienced similar
23 interference with existing technologies and products, restricting programming
24 tools' access to the x86 instruction set. This was done to serve the interests of
25 Intel and Microsoft, forcing consumers to spend more on new computers by
26 destroying programming products for their existing computers. Borland
27 executives justify their actions with explanations that it is done "in the interest of
28 the industry," and Ben Rosen was not shy about his business views and methods,

1 proposing the idea of organizing software and hardware companies into an
2 official Japanese "Keiretsu," a type of conglomerate that unifies entire industries
3 under a single dominating ownership to control demand, supply, availability,
4 pricing, market allocation, and competition. Such an arrangement would clearly
5 breach every facet of U.S. antitrust law, but Rosen started a website to promote
6 that "Keiretsu" idea with prominent database and hardware companies listed as
7 "members." While Rosens' Keiretsu website disappears soon after Plaintiff has
8 taken action against Borland, it appears that the three index-based funds did
9 succeed in implementing a system that resembles a Japanese keiretsu with an even
10 larger scope under the cover of neutral investment.

11 247. Plaintiff became aware of a coordinated effort between Ashton-Tate's
12 investors, Ben Rosen, Microsoft, Intel, and Consortium Participants who would
13 have benefited from the demise of both companies and their products to destroy
14 the two companies.

15 248. Ashton-Tate software was popular in Eastern European countries,
16 which at the time, after the fall of the Soviet Union, were seeing a rapid
17 computerization of their economies with large-scale western governments and
18 private financial support. The continuing availability of DOS in Eastern Europe
19 would have cost the Consortium significant profits. In meetings with Plaintiff,
20 Consortium Participants executives advocated for the discontinuation of the DOS
21 operating system and its supporting software products, stating that it was "in the
22 interest of the industry." At the time, this meant replacing them with Microsoft
23 Windows, a decision that would have resulted in significant economic costs.

24 249. Ashton-Tate software was popular in Eastern European countries,
25 which at the time, after the fall of the Soviet Union, were seeing a rapid
26 computerization of their economies with large-scale western governments and
27 private financial support. The continuing availability of DOS in Eastern Europe
28 would have cost the Consortium significant profits. Executives, in meetings with

1 Plaintiff Consortium Participants, advocated for the discontinuation of the DOS
2 operating system and older software products "in the interest of the industry." At
3 the time, this meant replacing them with Microsoft Windows, a decision that
4 resulted in significant economic losses due to its inherent inefficiencies.

5 250. During meetings with Ashton-Tate's European sales representatives
6 that took place in September 1990 in Amsterdam, eleven months before
7 Ashton-Tate announced the end of its operations, Plaintiff discovered that
8 company executives had told the company's European sales representatives to
9 anticipate the closure of the company and had directed them to stop selling
10 Ashton-Tate products in spite of ongoing demand. Executives that arrived at
11 Ashton-Tate from Consortium Participants companies and then returned to those
12 companies after Ashton-Tate ceased operations instructed the company's
13 European distributors to terminate their support and service contracts with the
14 company's clients and transition to competing products that operated on more
15 expensive hardware and Microsoft Windows. In the best-case scenario, the
16 Windows-based products were either inferior, subpar, half-baked imitations of
17 mature Ashton-Tate products or vaporware that was not yet available in the market.

18 251. Borland International acquired Ashton-Tate in September 1991.
19 Major Wall Street companies, requisitioned by Ben Rosen, managed a 400
20 million dollar public offering to finance the takeover and further development of
21 the unified companies, which Plaintiff was aware were destined to be deliberately
22 destroyed in an effort to eliminate competition from autonomous database
23 companies and force a faster move of the x86-based business and personal
24 computing markets from DOS to Microsoft Windows, which required significant
25 spending on new computers.

26 252. Following the merger's completion, Borland International promptly
27 removed the Ashton-Tate product, which Plaintiff had used for his research on
28 optimal control systems, from the market. This prompted Plaintiff to approach

1 investors and prepare an offer to purchase the product from Borland
2 International. Despite Borland's ending the product development and marketing
3 and the obligations they assume to the product's significant number of worldwide
4 users, Borland refused a sale. Borland executives told Plaintiff that the product
5 was "harming the industry.".

6 253. In a cordial phone conversation with Ben Rosen, who served as
7 Borland International as well as Compaq Computers and other companies'
8 chairman, Plaintiff received persuasive arguments that included the quotes "the
9 industry must protect itself" and "companies must be profitable." Plaintiff kept
10 insisting on acquiring the product and conveyed his intention to proceed with
11 legal action that will force Borland to either continue to support the product or
12 offer it for sale. By the end of the same day, Ben Rosen announced his
13 resignation from the Borland board of directors, and on the next day, Plaintiff
14 received a phone call from an associate of Ben Rosen with a financial offer to go
15 away, which Plaintiff rejected.

16 **D. PLAINTIFF PRODUCT DESTINED FOR DESTRUCTION**

17 254. Plaintiff initiated the process of preparing a lawsuit against the
18 individuals and companies responsible for the demise of Ashton-Tate, the
19 removal of its products from the market, and the ongoing plan to destroy Borland
20 International and its products. Borland, already facing a class action shareholder
21 lawsuit from its own shareholders for misrepresenting the merger with
22 Ashton-Tate and the destruction of its products, which led to the collapse of its
23 share price, responded to Plaintiff and, after lengthy negotiations, involved on
24 Borland International side the law firm of Wilson Sonsini Goodrich & Rosati
25 which represented at the time companies that had benefited from the demise of
26 Ashton-Tate, Borland agreed to hand over to Plaintiff the rights to the product
27 and trademark in exchange for the withdrawal of the lawsuit and the destruction
28 of the evidence gathered in the case.

1 **E. VANISHING PRODUCTS AND PLAINTIFF'S CONTRACT**

2 255. The contract that gave Plaintiff the rights to the product and
3 associated trademarks was prepared by the law firm Wilson Sonsini Goodrich &
4 Rosati, which represented, at the time and possibly still today, members of the
5 “Wintel Cartel,” who became and are being addressed in this Complaint as
6 Consortium Participants.

7 256. Plaintiff's activities did not deter the Consortium Participants,
8 individuals and companies, behind the scheme from proceeding with the
9 destruction of both companies and their products. A few years later, both
10 companies, along with numerous other companies and technologies crucial for the
11 unrestricted use of x86-based computers, vanished from the market. The
12 Consortium tightened its grip on x86 computer users, and the technologies that
13 enabled users of x86 computers to fully utilize the x86's capabilities vanished
14 from the market. Plaintiff's maintenance and updates to the product he took over,
15 including a technology that made it possible for its users to run it on Windows
16 XP, were blocked by Microsoft, which modified its Windows API and removed
17 from the later versions of Windows features to make it impossible to run the
18 updated product on later Windows versions.

19 **F. PLAINTIFF PRODUCT DEVELOPMENT**

20 257. After obtaining the rights and source code of the product, Plaintiff
21 proceeded to develop an upgrade for the technology. Plaintiff eventually recreates
22 the product that was originally designed to run on 16-bit x86 computers using
23 new technology developed with a newer, more efficient design that is capable of
24 taking advantage of newer x86 features. The new technology introduces
25 efficiency and functionality superior to anything currently available for x86 users
26 and does not require Microsoft Windows. 258. Intel, however, imposed
27 restrictions on x86 computers to prevent software that is not running on Windows
28 or Linux from entering the market. By design, Linux does not compete with

1 Windows in the personal computing market, as its intended use for servers
2 renders it irrelevant to Plaintiff customers.

3 259. To accommodate former Ashton-Tate customers who were forced to
4 replace their computers and start using the Microsoft Windows operating system,
5 Plaintiff created a new version of the product that was designed to run on
6 Microsoft Windows XP that was released in 2001. Using the Windows API and
7 GUI, Plaintiff and his team developed a technology they named "x86 WinAPI
8 memory thunking" that allows unrestricted x86 programs to run Plaintiff's
9 product on Windows XP.

10 260. Memory thunking is a technology that allows programs to share
11 different memory types and address spaces. Plaintiff and his team developed x86
12 WinAPI Thunking to unlock the Intel x86 CPU instructions that Windows had
13 blocked. x86 WinAPI memory thunking makes it possible to avoid the mandated
14 intentional Windows overhead and limitations that Microsoft designed to boost
15 demand for Consortium's products and impede efficient local autonomous usage
16 of x86-based computers. x86 WinAPI memory thunking technology provides
17 access to the Windows API (application interface) and GUI (graphics user
18 interface), making it possible for owners of x86-based computers with Windows
19 to utilize their computers in full without the limits imposed by Windows.
20 Microsoft, however, changed its operating systems following Windows XP to
21 prevent Plaintiff's technology and products from running on current Windows
22 versions.

23 **G. INTENTIONAL INTRODUCTION OF INCOMPATIBILITY**

24 261. Microsoft introduced incompatibility between Windows and
25 Plaintiff's technology in subsequent Windows versions following Windows XP.
26 Starting with Windows Vista, released in 2006, Plaintiff's product and technology
27 that were created for the Windows API were prevented from running on
28 Microsoft Windows. Microsoft accompanied the introduction of this

1 incompatibility with a frivolous yet threatening letter, declaring that companies
2 supporting "legacy" products cannot use the Windows trademark in their
3 presentations or marketing materials.

4 262. In 2009, after Plaintiff threatened to start a legal action against
5 Microsoft for intentional introduction of incompatibility, Microsoft provided a
6 way to run the product in a virtual machine under Windows 7 Pro using a virtual
7 free version of Windows XP that provided transparent integration with the
8 Windows 7 Pro host computer. In 2012, with the introduction of Windows 8,
9 Microsoft again introduced incompatibility, which persisted in subsequent
10 versions of Windows, preventing the product from operating on current Windows
11 versions. With Intel continuing its illegal tying of x86 computers with Windows,
12 it is impossible to run the product on current x86 computers.

13 H. PREDATORY DESIGN ADVERSE CONSEQUENCE

14 263. The IBM PC inception started illicit relationships between Intel and
15 Microsoft, where the two companies agreed to protect each other from
16 competitors. The first operating system, DOS, didn't give Microsoft much room
17 to control the market. It protected IBM but gave Microsoft limited opportunities
18 to exploit it. When Microsoft designed Windows, it wanted to give itself more
19 control over CPU instructions and features, as well as design options for
20 programmers and program designers, so it could get unfair market advantages
21 and make them easier to hide. A significant motivation in Windows design was
22 adding significant overhead and exploitable vulnerabilities, masked by
23 unnecessary complexity to slow down programs running on Windows in order to
24 allow Microsoft to obtain an unfair advantage. The additional unneeded added
25 complexity, a form of predatory design, was intended to create ways to monetize
26 the problem it created for programmers and companies by providing mitigation
27 for it.

28 264. During the transition of Intel's x86 architecture from 16-bit to 32-bit,

1 the development of multi-core CPU devices, and the creation of SOC (System on
2 a Chip) with system and peripheral management, Intel purposefully introduced
3 unnecessary faulty design features and hidden functionality, with the intention of
4 giving Microsoft an unfair market advantage. These faulty design features
5 introduce security vulnerabilities as well as a high level of susceptibility to
6 failure. Microsoft exploited these flaws in two ways: first, by restricting the use
7 and access of x86 CPUs by their owners, instead of delegating control to
8 programmers, and second, by preventing competitors like Plaintiff from
9 launching products that could rival Microsoft's inferior offerings. Intel's
10 predatory design, which aimed to give Microsoft control over and limit the ways
11 x86-based computer owners could use their devices, violates the 1936 Supreme
12 Court decision that established the Clayton Act's prohibition against imposing
13 such restrictions. The consequences of this design were far-reaching. The
14 introduction of inherent security and reliability vulnerabilities into the x86
15 architecture not only caused significant time and productivity loss for x86-based
16 computer users and the economy due to unnecessary failures, reboots, and
17 updates, but also significantly impacted the entire economy. These vulnerabilities
18 also became part of the Consortium scheme, generating windfall profits for
19 Consortium Participants. As part of this scheme, the Consortium created
20 companies that promised solutions to these security vulnerabilities, presenting
21 those companies as investment opportunities for Consortium Participants. While
22 operating in a market that compel consumers and the economy to subscribe to
23 their services, these companies issue public shares, generating windfall profits for
24 Consortium Participants. Over time, criminal organizations and hostile
25 governments reverse-engineer these defects and construct measures that pose
26 significant national security risks. Despite significant investment and effort, these
27 risks cannot be mitigated because they are inherent in the current design. The
28 only way to resolve those problems, eliminate Microsoft's unfair advantage,

1 prevent time and productivity losses for users and the economy, and remove the
2 risk that criminals and hostile governments pose is to remove those defects from
3 the x86 architecture.

4 265. Microsoft provide Intel with protection by forcing users of
5 competitors' x86 devices, notably AMD, to manually install special updates in
6 order to be able to run certain software packages significantly hampering AMD's
7 marketing efforts.

8 266. Microsoft leveraged display capabilities integrated into the Windows
9 operating system to propel its marketing strategy and shift the market from DOS
10 to Windows. The addition of an intrinsically optimized graphic display to the x86
11 architecture made it easier for potential competitors to offer alternatives for it.
12 Microsoft demanded that Intel remove such additions, and Intel complied and
13 removed them. As a result, Nvidia was able to charge consumers for similar
14 functionality 100-fold compared to similar x86 intrinsic optimization that Intel
15 removed from the x86 architecture, first protecting Microsoft and accelerating
16 Windows dominance, and then, starting in 2009, helping Nvidia fit into the
17 Consortium stock market scheme that also supported Intel's suppression of
18 low-power semiconductor technologies.

19 267. Intel grants Microsoft exclusive access to x86 parts, which are crucial
20 for programming x86-based computers, while restricting this access to potential
21 competitors such as Plaintiff. Additionally, it prevents x86-based computer
22 buyers from booting their machines without Microsoft tools, thereby hindering
23 Plaintiff's ability to market its product to x86 computer users.

24 268. At the expense of unnecessary increases in inefficiency and overhead
25 for users of its x86 products, Intel has removed direct control over CPUs in
26 multi-CPU core x86 devices, concealing it behind a layer of management
27 designed in partnership with Microsoft to give Microsoft exclusive control over
28 parallelism and the ability to produce efficient optimized programs. Intel designed

1 a thread management system to hinder x86 programmers, including Plaintiff,
2 from running optimized parallel programs that could boost computing speed and
3 minimize hardware needs. Intel and Microsoft illicitly collaborated to keep
4 competitors from running efficient code on x86 computers, costing the economy
5 enormous sums while degrading the US economic standing.

6 269. The tying of the Microsoft Windows operating system and x86
7 computers imposed by Intel on, and executed by, Intel's OEMs. Dell, Compaq,
8 and HP, resulted in OEM forcing their customers to pay for Microsoft Windows
9 even though internally companies such as Dell continued to use the DOS
10 operating system, which allow the running of more efficient business software
11 and demand less hardware resources such as memory, as well as allowing usage
12 of x86 computers that would have been made obsolete because of the larger
13 memory capacity and higher speed requirements of Microsoft Windows.

14 **IX. PLAINTIFF'S AND AMD, AMD's MANUFACTURING
15 DESTRUCTION**

16 **A. INTEL ATTACK X86 COMPETITORS**

17 270. Since the introduction of the x86 PC standard, Intel has engaged in
18 aggressive anti-competitive efforts aimed at preventing both potential and actual
19 x86 makers from accessing the market. Harassed by Intel and abused by
20 Microsoft, most x86 semiconductor manufacturers, including NEC, National
21 Semiconductor, Cyrix, and Transmeta, that brought x86-compatible technology to
22 the market even under licensing from Intel, abandoned their product line under
23 anticompetitive pressure. A few survived by imposing limits on their design,
24 avoiding the U.S. personal computing market, and limiting their marketing to
25 foreign countries to avoid the wrath of the Consortium. All were reluctant to
26 collaborate with Plaintiff because of threats. AMD, the lone surviving competitor
27 to Intel, was an exception. When AMD founder and chairman at the time, Jerry
28 Sanders, expressed a keen interest in using Plaintiff's technology and freeing

1 AMD and the market from the Consortium constraints, the Consortium stopped
2 that attempt, causing an enormous cost to AMD, consumers, and the American
3 semiconductor industry.

4 271. In November 2009, the State of New York filed a lawsuit against
5 Intel Corporation in the United States District Court for the District of Delaware,
6 documenting AMD's fight against legal harassment and anti-competitive
7 predatory schemes by Intel. These schemes included threats to withhold critical
8 x86 design information from its OEM and bribes to cancel and avoid purchasing
9 competitive AMD x86 devices. Unlike other x86 device makers, AMD has
10 successfully resisted Intel's attacks and market manipulation. However, the
11 Consortium, which controls both Intel and AMD, is forcing AMD to implement
12 the same anticompetitive limitations on its technology. AMD is dependent on its
13 ability to provide transparent compatibility between its x86 processors and
14 Microsoft Windows. That compatibility is used as leverage to keep AMD from
15 challenging the Consortium objective. It is posing a significant obstacle and risk
16 for AMD's marketing as reflected in the company statement regarding Intel and
17 Microsoft in its 10-K form quoted in paragraph 735 of this Complaint.

18 **B. PLAINTIFF CONTACT WITH AMD**

19 272. During the early 1990s, Plaintiff successfully tested an early version
20 of low-power design on an FPGA (Field Programmable Gate Array) that
21 simulated x86 architecture functionality. During discussions with a company
22 named SMOS, which manufactured a credit card-size x86-based computer using
23 Intel-supplied x86 semiconductor cores Plaintiff learned that the company was
24 restricted by Intel from offering miniaturized form factor devices to the personal
25 computing consumers. In a meeting with executives of the company that owned
26 and provided SMOS assembly technology, Plaintiff learned about restrictions that
27 the Consortium imposed on the company's target market and about SMOS's
28 imminent closure.

1 273. Plaintiff reached out to Mr. Jerry Sanders, the founder and chairman
2 of AMD at the time, proposing a new x86 form factor that will utilize Plaintiff's
3 low-power technology, bringing to the market a credit card-sized computer that
4 will improve as well as lower the cost of x86 systems that were tied with
5 Microsoft Windows, the only choice for x86-based computer users. Jerry Sanders
6 recognized the advantages the plan would bring to AMD and consumers and
7 enthusiastically favored the proposal.

8 274. Both Microsoft and Intel were adamant about preventing the
9 miniaturization of x86 computers, as evidenced by their removal of the HP 200
10 LX handheld computers detailed later in this Complaint. The resistance to the
11 miniaturization of x86-based computers was aimed at preventing lower costs for
12 consumers and, consequently, lower profits; preventing competition from more
13 efficient software that would require fewer hardware resources than such devices
14 require; and creating incompatibility between desktop and mobile standards to
15 maintain a higher price level for desktop computing products. The technology
16 developed by Plaintiff would have enabled AMD to replace Microsoft Windows
17 and provide consumers with credit card-sized computers that would offer full
18 business functionality at significant savings, opening a mobile market with
19 transparent compatibility with personal computers.

20 275. AMD had its own U.S.-based semiconductor manufacturing facilities
21 and was the only significant competitor to Intel after other independent
22 manufacturers, such as NEC, left the market. NEC developed its own x86
23 semiconductor design, including 32-bit versions, but left the market due to
24 frivolous legal attacks by Intel that were unsuccessful but too costly to handle.
25 AMD at times achieved market share as high as 50 percent in the x86 market. In
26 a detailed phone call presentation to Mr. Sanders, Plaintiff detailed the
27 technology that could have, among other advantages, reduced the transistor count
28 in AMD's Intel-compatible devices. Mr. Sanders, recognizing the advantages of

1 the plan to AMD and its customers, arranged a phone conversation between the
2 Plaintiff and AMD CTO, Mr. Atiq Raza.

3 **C. MICROSOFT INCOMPATIBILITY SWORD OVER AMD**

4 276. Microsoft CEO Bill Gates introduced Atic Rasa, a semiconductor
5 engineer who designed an x86-compatible processor, to Jerry Sanders, AMD
6 Chairman. The relationship between AMD and Microsoft was a constant source
7 of concern for AMD due to the challenges AMD faced in maintaining transparent
8 compatibility with the Windows operating system and Microsoft's practice of
9 forcing consumers to manually handle incompatibilities, despite Microsoft's
10 ability to eliminate such incompatibilities transparently. This practice created a
11 barrier for AMD support and marketing, thereby exerting Microsoft's influence
12 over AMD.

13 277. Random access memory processors, like x86 processors, feature
14 dynamic software that can automatically adapt to specific idiosyncratic
15 characteristics of a CPU. However, Microsoft required AMD customers to run
16 special programs known as "patches" to be able to run certain software packages,
17 including Plaintiff's. Microsoft gave cryptic names to these patches, making it
18 difficult for customers running specific software products on AMD x86
19 processors to obtain support, which was, in one case, unavailable from
20 Microsoft. That effectively hurt AMD marketing. Microsoft could have
21 automated the execution of "patch programs," but AMD customers had to search
22 for them using sparse, sometimes unclear information and cryptic names.

23 **D. ATIC RASA ROLE AT AMD**

24 278. Against this background, Microsoft CEO Bill Gates introduced Atic
25 Rasa to Mr. Jerry Sanders, who then hired him as AMD's CEO. AMD acquired
26 Atic Rasa company with its x86 design.

27 279. At the end of Plaintiff's phone conversation with AMD chair Mr.
28 Jerry Sanders, Mr. Sanders told the Plaintiff to expect a phone call from AMD's

1 CTO, Atiq Rasa. Mr. Raza called Plaintiff soon after, and in the ensuing
2 discussion, Plaintiff outlined the technology, its advantages, and its competitive
3 benefits to AMD and the market. As a semiconductor engineer and x86 designer
4 Atiq Rasa, was quick to understand Plaintiff's technology and its advantages and
5 consequential savings to AMD manufacturing costs and its customers, as well as
6 the competitive advantages the technology would give AMD against the
7 anticompetitive acts AMD was facing. Mr. Raza agreed with Plaintiff's technical
8 and market assessment.

9 280. Mr. Raza however, responded with the same exact argument that
10 Plaintiff heard before from Consortium executives who were involved in the
11 destruction of companies that challenged the Consortium with competitive
12 technologies.

13 E. THE GOOSE THAT LAID THE GOLDEN EGGS

14 281. Atiq Raza started by saying, "What you do is going to kill the goose
15 that laid the golden eggs." and continues with, "this is bad for the industry", then
16 proceeded with saying, "The cost of a single CPU (referring to the Intel and
17 Microsoft-compatible AMD CPU semiconductor device) is cents, but we are
18 selling it for hundreds of dollars, and you want to end that.". Plaintiff's
19 technology, however, had no bearing on the price AMD could charge its
20 customers.

21 282. Atiq Rasa's so-called "goose that laid the golden egg" was the
22 increase in value of Intel's, Microsoft's, and other Consortium-initiated publicly
23 traded shares that were skyrocketing as the result of anticompetitive design and
24 market manipulation by Intel and Microsoft that put limits on x86 technology and
25 increased its cost to consumers who depended on it. As his subsequent actions
26 and relationships with Intel later confirmed, Atiq Rasa was safeguarding not only
27 Intel, Microsoft, and the rest of the Consortium, but also his personal investments
28 in their shares and his loyalty to the Consortium. The Dot-com stock market

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1 bubble in 2000 ultimately collapsed due to the increase in the value of
2 Consortium companies' shares and the manipulation of technology to limit
3 consumer functionality and shift it towards Consortium companies. Atic Rasa was
4 violating his duties to AMD and its shareholders as an AMD officer and, in all
5 likelihood, was aware that he was violating antitrust law by shielding Intel and
6 Microsoft from competition and scheming to maintain unnecessarily higher costs
7 to consumers by impeding competition. The 1981 arrest of American Airlines
8 CEO Robert Crandall for proposing a coordinated price increase to the CEO of
9 Braniff Airlines in a less egregious phone call demonstrated the applicability of
10 antitrust laws to such communications.

11 283. Plaintiff ended the phone conversation with Atiq Raza cordially but
12 recognized that AMD was snared in the same exact trap that the Consortium built
13 around Ashton-Tate and Borland International before their destruction. The
14 Consortium achieved its objectives and safeguarded its survival by placing
15 Consortium Participants in key positions within those companies. This is the
16 situation Intel has been in since Defendant Bryant was appointed to the position
17 of chairman of Intel's board of directors in 2012.

18 284. Bill Gates introduced and recommended Atic Raza to AMD after
19 Raza's company presented to the market an x86 design as compatible with
20 Microsoft's operating system. This point significantly influenced AMD choice,
21 particularly in light of the anticompetitive market environment it operated in at
22 the time. This environment is even more anticompetitive today, given Intel's
23 collaboration with Microsoft in predatory design, which grants Microsoft
24 exclusive access to CPU features not available to competitors, thereby degrading
25 performance for non-Microsoft users such as Plaintiff. AMD's 2024 10-K form
26 quoted in paragraph 735 of this Complaint includes statements that recognize that
27 risk.

28 285. The positioning of Atic Raza as AMD's CEO served the same

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purpose as the positioning of Ashton-Tate executives by the Consortium: to protect the Consortium from competing products and competitive technology. Atiq Raza's aim, as the conversation with Plaintiff shows, was to protect the illegal anticompetitive dependency of AMD on Microsoft. The dependency that AMD Chairman at the time, Mr. Jerry Sanders, concurred with Plaintiff, prevented competition, increased costs to consumers, and should have been eliminated using Plaintiff's technology that provided better and more functionality at a lower cost, in a smaller memory footprint, and at a higher speed. The parallel between AMD then and Intel today is impossible to miss. In a Fortune magazine article, former Intel CEO Craig Barrett cautioned that Intel's current predicament could hinder America's pursuit of semiconductor leadership. He drew comparisons between Intel's current situation and AMD's 2008 forced sale of its manufacturing to a foreign company, which consequently reduced its competitiveness and cemented its dependency on Intel and Microsoft standards, as the AMD 2024 10-K form filing states. GlobalFoundries, the foreign company that took over AMD and IBM's USA-based manufacturing, has fallen behind because it lacks any differentiating technology that would allow it to be on the cutting edge of semiconductor manufacturing, forcing AMD to use foreign-based manufacturing in Taiwan.

20 F. THE AFTERMATH AND THE DAMAGE

21 286. After the conversation with Atiq Raza, Plaintiff realizes that AMD
22 faces the same danger and anticompetitive constraints as Ashton-Tate, as its
23 leadership has been compromised by Consortium Participants. An obvious
24 conflict between AMD CTO, Atiq Rasa and AMD founder and chairman, Mr.
25 Jerry Sanders, was unavoidable, and the company was facing a mortal challenge.
26 Plaintiff, however, underestimated the extent to which the Consortium would go
27 to protect its scheme, as it eventually meant harming the U.S. semiconductor
28 manufacturing sector with dire consequences to this day.

1 287. Considering the power dynamics between the Consortium and AMD,
2 as well as the Plaintiff's unsuccessful efforts to communicate with the DOJ,
3 Plaintiff has come to the conclusion that maintaining contact with AMD could
4 potentially escalate a conflict and potentially cause long-term harm to the
5 semiconductor industry, extending beyond personal computing. A confrontation
6 between AMD chair Jerry Sanders and Atiq Rasa was inevitable considering that
7 AMD, under Jerry Sanders's directives, was expanding its semiconductor
8 manufacturing in New York State and Europe with a focus on the latest
9 technologies. By that time, the Consortium had already recognized the critical
10 importance of its control over semiconductor manufacturing for its scheme, as it
11 was actively manipulating technology at Intel and the CAD industry to eliminate
12 competition from lower-cost and low-power technologies. AMD's competitive
13 strategic objectives and actions under Jerry Sanders were a direct challenge to the
14 Consortium.

15 288. Without any further involvement from the Plaintiff, that conflict
16 escalated into an episode that nearly destroyed AMD and, in the long run,
17 significantly weakened the U.S.'s global position in semiconductor
18 manufacturing. Financial coercion by the consortium forced AMD to sell its
19 semiconductor manufacturing "a situation similar to the coercion Ashton-Tate and
20 Borland International faced from the consortium before their demise and similar
21 to the current pressure being placed on Intel to control its semiconductor
22 manufacturing.

23 289. Despite AMD's success in the market and its victory in its legal battle
24 with Intel, Mr. Raza unexpectedly and abruptly announced his resignation from
25 AMD's CEO position. When explaining his decision, he bad-mouthed Mr. Jerry
26 Sanders and groundlessly cast doubt on AMD's technology and its ability to
27 survive. That attack was coordinated with negative publicity to maximize the
28 damage to AMD and was used by the Consortium as in the current situation with

1 Intel, to try to bring about the demise of the company.

2 L.A. Times, July 15, 1999, 12 AM PT

3 <https://www.latimes.com/archives/la-xpm-1999-jul-15-fi-56197-story.html>

4 AMD President Resigns; Firm Posts Loss Again

5 SUNNYVALE, Calif.

6 Advanced Micro Devices Inc., Intel Corp.'s biggest rival in the
7 microprocessor market, suffered a major blow Wednesday with the
8 resignation of President and Chief Operating Officer Atiq Raza, heir
9 apparent to Chief Executive Jerry Sanders.

10 290. A coordinated attack on AMD's financial credit line with bad press
11 led to a significant decline in its share value, reminiscent of the manipulation of
12 Ashton-Tate publicly traded shares by a competitor. Mr. Jerry Sanders was
13 forced to simultaneously find a new CTO while raising capital to compensate for
14 credit lines that were cut and handle pressure from anxious shareholders and
15 customers. AMD did survive thanks to the extraordinary efforts of its chairman,
16 Jerry Sanders, and AMD employees, as well as the recruitment of a new,
17 experienced, and visionary CEO who laid the groundwork for AMD's current
18 success through mergers, enabling AMD to reclaim its position in the x86 market
19 and ultimately recover, albeit with a significant compromise with the Consortium
20 demands that keeps it from challenging the Consortium.

21 291. The crisis that Atiq Rasa's cause on behalf of the Consortium had a
22 detrimental effect on the market and the U.S. semiconductor industry that is
23 lasting to the present. AMD was forced to sell its manufacturing facilities to a
24 foreign company, Global Foundries, which left Intel as the sole company that
25 controlled both its design and manufacturing. Intel left as the sole company that
26 had integration between its design and manufacturing but with total dependency
27 on a monolithic and manipulated market under the Consortium control with dire
28 implications for the U.S. position as detailed later in this Complaint.

G. INTEGRATION OF MANUFACTURING AND DESIGN

292. The integration of manufacturing and design is essential for optimal design and the implementation of changes and improvements in both the design and manufacturing processes. The extremely high cost of halting the latest high density semiconductor EUV based manufacturing, which is the possibly the costliest mass industrial process, means that semiconductor contract manufacturers, who purchase manufacturing capacity must limit their design flexibility. To optimize manufacturing yields, which is the ratio of usable chips to those that fail testing and are disposed of, and to avoid process adjustments that could lead to delays, contact manufacturers are forced to maintain less flexible manufacturing parameters that could not easily be adjusted to the architectural design of a particular company, as the manufacturing process is shared between multiple companies and multiple designs.

293. By integrating design and manufacturing under one roof, Intel engineers gain access to manufacturing information beyond the official Production Design Kit (PDK), which outlines the extensive design rules chip design engineers must follow. Such close collaboration allows the design team to make adjustments to both the design and manufacturing processes. Separation between design and manufacturing prevents that level of integration. When design and manufacturing are separated, the manufacturing company must provide a standardized design environment to multiple clients to maximize yields and minimize delays. Manufacturing companies have no vested interest in optimizing the performance of a specific product beyond meeting basic testing requirements. TSMC, which manufactures AMD's chips, cannot offer AMD any adjustments to its manufacturing process beyond what is defined in its official PDK. This limitation arises because TSMC serves numerous clients that rely on the same manufacturing process. Any changes to that process could disrupt the production of other companies, leading to significant delays and costly adjustments.

1 294. After leaving AMD, Atic Raza proceeded to create a new company
2 that raised capital from Consortium Participants. He obtained positions in
3 companies associated with the Consortium and became a partner in a venture
4 capital company associated with Intel. He was eventually fined by the FTC more
5 than a million dollars for conducting insider trading of publicly-traded shares of a
6 company he was involved with.

7 **X. TURNING ABDUCTED X86 FUNCTIONALITY INTO WINDFALL**

8 **A. INTEL CONTROL X86-BASED OEM COMPUTER MAKERS**

9 295. Intel OEMs who manufacture x86 computers must follow Intel's strict
10 guidelines and restrictions concerning every aspect of their product. The
11 Consortium uses that power to limit competition, manipulate pricing, and control
12 the usage of x86 products to protect its dominance of non-x86 markets, such as
13 the wearable and smartphone markets that are protected from competition by the
14 relatively-open x86 devices. The Consortium use that control to protect the
15 Consortium's services from competing design and usage that could lower cost to
16 consumers. Intel meticulously controls the form factors of x86-based products
17 that are available to consumers as well as the capabilities OEMs are allowed to
18 enable in their devices.

19 296. OEM dependency on Intel is absolute. x86-based products cannot be
20 designed and manufactured without Intel support and Intel's allocations of the
21 required devices. Intel must approve every design decision, form factor,
22 operating system type, and even the wholesale supplier sourcing the Intel devices.
23 OEMs continue to depend on Intel to ensure a sufficient supply of devices and
24 technical information during the life of their products.

25 297. Intel does not provide OEMs with access to CPU instructions, which
26 are crucial for hardware design, debugging, and reporting. OEMs do receive
27 exclusive debugging access, which is not available to non-Consortium
28 Participants like Plaintiff. However, only Intel engineers can perform complete

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1 debugging and testing of OEM hardware product designs that utilize Intel x86
2 devices. Intel uses this to regulate pricing and feature availability for consumers,
3 safeguarding both itself and Consortium Participants like smartphone
4 manufacturers, Internet service providers, and cellular service providers, while
5 also exerting pressure on OEMs to restrict and limit their purchases of AMD
6 devices.

7 298. Intel uses its meticulous control over x86-based computer OEMs to
8 limit competition, which could lead to improved products and lower costs for
9 consumers. OEMs are not allowed to bring to the market devices that may
10 compete with smartphone form factors, lower the cost by miniaturizations, and
11 open the market to alternatives to Microsoft and Linux-based products that can
12 reduce cost, the required clock speed, power, memory requirements, and the
13 reliance of consumers on Consortium services.

14 B. ABDUCTING X86 FUNCTIONALITY

15 299. Intel's 2024 10-K form filing referred to the X86 standard as
16 "open.". The Defendants, in contrast, act on behalf of the Consortium to restrict
17 access to the x86 standard in order to block potential Consortium competitors,
18 including the Plaintiff, from accessing the market and force their customers to
19 purchase the Consortium's services. Intel's directors moved against Intel's CEO,
20 Gelsinger, to hinder Intel's stated mission defined in its 2024 10-K form, to avail
21 the x86 design to Intel fab services clients. The Defendants appointed managers
22 and tasked them with impeding access to Intel fab services. Eventually, they took
23 direct control over the most crucial aspect of competition: the ability to customize
24 x86 design IP (intellectual property) and combine it with competitors' IP,
25 including Plaintiff's. The directors created an anticompetitive "wall" around
26 Intel's manufacturing services, which also include Intel's FPGA (formerly
27 Altera). The wall was designed and used to block Plaintiff as well as other
28 potential competitors against the Consortium products and services from

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1 accessing Intel's fab services. Gelsinger's policies, outlined in Intel's stated 10-K,
2 were blocked by managers who were tasked by board members to block potential
3 competitors. A board member, Defendant Lip-Bu Tan, was put in charge of Intel
4 fab services operations to accomplish that task. The conflict between the
5 Defendants and Intel's CEO, Gelsinger, culminated with Gelsinger's forced
6 departure from Intel after he stabilized Intel's financial situation that worsened
7 under Consortium attacks, successfully protected Intel's x86 IP from being taken
8 over by Consortium Participants, and came up with a plan to put Intel
9 manufacturing under a separate board to free it from the Consortium's
10 interference.

11 300. Intel's 2024 10-K statement states: "We aim to deliver open software
12 and hardware platforms with industry-leading standards. We intend to lead and
13 democratize compute with Intel x86 and xPU." is qualified as it begins with "We
14 aim to deliver...". The x86 standard is relatively open, but not completely open.
15 However, Intel's fab operations are well within the boundaries of the protections
16 it exercises to safeguard its intellectual property. Even before Intel established its
17 manufacturing service, and later under the Defendants board members and
18 Defendant Lip-Bu Tan, Intel provided manufacturing services that included x86
19 IP to Consortium Participants while withholding them from competitors,
20 including Plaintiff.

21 301. Since December 28, 2015, when Intel took over Altera, Intel has
22 avoided extending Altera's FPGA manufacturing and design with x86 IP. This
23 policy is designed to keep the high level of optimization that FPGA design tools
24 and manufacturing provide from Consortium's competitors, such as Plaintiff,
25 who aimed at bringing it directly to consumers and competing with centrally
26 distributed Consortium's services.

27 302. Consumers and competitors do not expect Intel to provide the same
28 level of open standards, such as RISC-V, that aims to help semiconductor design

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1 companies. Consumers who rely on x86 standards have expectations that align
2 with the patent protection of Intel's x86 designs and the patent-sharing agreement
3 that underpins Intel's x86 compatibility with AMD. However, consumers,
4 including programmers, companies, and end-users of x86-based computers,
5 consider Intel's statements, including its K-10 form, when purchasing and
6 investing in Intel products. They also take into account factors such as the cost of
7 ownership, usage, maintenance, updates, and the level of backward compatibility,
8 all of which rely on the freedom of x86-based computer owners to program and
9 use their computers. To comply with antitrust law, that aspect of the x86 standard
10 must remain fully open.

11 303. The Consortium's attack on Intel's x86 standard includes an attempt
12 by Microsoft and Qualcomm to develop a proprietary ARM-based, closed chip
13 that is marketed as a Windows-compatible device but is incompatible with
14 existing Windows programs. Microsoft is altering its product line to deceive and
15 force customers to use its new, incompatible, closed ARM-based device instead
16 of the relatively open x86 standard, in an effort to destroy the open x86 standard.
17 If the Consortium's goal "and specifically Microsoft's and Qualcomm's efforts to
18 destroy the open x86 standard" is successful, owners of x86-based computers will
19 no longer be able to program their computers, as is already the case in the
20 smartphone market dominated by Apple and Google.

21 304. The 1936 Supreme Court clarification of the Clayton Act settled the
22 freedom of owners of x86-based computers, as well as any other CPU-based
23 devices, such as smartphones, to freely program and use their products with no
24 limits. Programmers and users should be able to freely use and program their
25 x86-based computers without restrictions that prevent them from accomplishing
26 their tasks or force them to purchase products they do not need or want. Intel
27 must provide programmers and users of x86 with all the information and access
28 that allow free, unlimited usage of their devices.

C. INTERFERENCES WITH X86 DESIGN

305. A less obvious antitrust violation, yet more significant and well-established in antitrust law, is Intel's manipulating the x86 architecture with predatory design to achieve the same goals that Section 3 of the Clayton Act deems unlawful. The Federal Circuit in deciding C.R. Bard, Inc. v. M3 Systems, Inc. 157 F.3d 1340 (Fed. Cir. 1998) held that a jury could reasonably have found that a product redesign may be anticompetitive and, at the very least, go to the jury.

306. Intel, intentionally, has made numerous design modifications and additions, some but not all of which are mentioned in this Complaint, that are detrimental to the ability to use the x86 standard safely, securely, efficiently, and competitively. Intel's design choices, intended to shield Consortium Participants from competition, negatively impact shareholders who are not Consortium Participants. These predatory design changes not only affect x86 users but also the entire market and economy that rely on x86 technology. The introduction of security flaws and vulnerabilities forces consumers to purchase services that can never mitigate such flaws and vulnerabilities. These flaws and vulnerabilities lead to increased inefficiencies, increased energy consumption, increased costs, and catastrophic failures. For instance, the CrowdStrike service update in July 2024 resulted in the shutdown of hundreds of computers in major companies worldwide.

307. A central element in the Consortium's nefarious strategy is an increase in power consumption required for intensive computation, which forces the concentration of computational power into the hands of a few large Consortium Participants who are able to assemble the required energy level. Low-power technologies can equip users with efficient x86 devices that could provide the computational power and functionality that the Consortium offers as centrally distributed services, which the Consortium then converts into windfall

profits in the form of publicly traded shares. This same motivation led to Intel's decision to withdraw its x86-based smartphones from the market after the Consortium took control of the company by appointing Defendant Bryant as its board chairman in 2012. It also prompted Intel to renege on its agreement with Plaintiff regarding the development of a low-power x86 environment that can support smartphones.

308. In 1997, the Consortium coordinated the manipulation of design and marketing by Intel to enable windfall profits from the tying of an x86 CPU and coaxial Internet modems into a cable modem form factor. By tying that cable modem with Internet service, Internet service providers are restricting consumers' Internet connection choices, forcing them to rely on the Consortium's Internet service companies. Beginning in 1997 and still in effect today, this strategy led to an unprecedented surge in the value of these companies' publicly traded shares, ultimately causing the Dot-com bubble stock market collapse in March 2000. It is still a central part of the ongoing Consortium's scheme.

309. An example of a company that was created to produce a windfall profit for the Consortium by taking advantage of x86 design flaws that Intel was compelled to implement is a security company named CrowdStrike. The Consortium founded CrowdStrike solely to tackle a purposeful design flaw in the x86 architecture, which compelled consumers to buy security services to counteract the security risks this flaw brought. The global x86-based computer failure in July 2024 was caused by that deliberate design flaw and a CrowdStrike update failure, which paralyzed entire economies. Nefarious actors can exploit this design flaw, which can lead to even more catastrophic outcomes.

310. Another example among many is a company called Smartsheet, which offers services similar but inferior to Plaintiff's products. Currently, x86-based computers cannot run Plaintiff's products, which facilitate direct communication

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1 among Internet users. Like all Consortium companies, the value of Smartsheet's
2 publicly traded shares increases due to consumers being compelled to pay for
3 subscriptions that offer inferior functionality compared to Plaintiff's products, at
4 fifty-fold higher cost.

5 **D. MODEM (MODULATOR-DEMODULATOR)**

6 311. A modem (MOdulator-DEModulator) is an electronic device that
7 converts data from a digital format used by computers into electrical currents
8 (analog signals) suitable for transmission via various types of cables, such as
9 coaxial, fiber optic, or wireless radio signals. Modems perform limited
10 conversion operations and are typically low-cost devices. Modems are controlled
11 by the CPU in computers such as x86 device they are plugged into. Standard
12 signals, commonly known as modem commands, govern them. Modem
13 commands make it possible for programmers to build elaborate functionality that
14 uses communication over the Internet, wirelessly, and over phone lines.

15 312. Modems enable communication between x86-based computers and
16 have been available as plug-in boards for personal computers from various
17 manufacturers, offering a wide range of types and speeds since the beginning of
18 personal computing.

19 313. Internet service providers typically bring a coaxial cable to the
20 subscriber's home. The customer typically connects the cable to a coaxial
21 connector on a modem. Any Internet service provider could offer service to x86
22 computers through a modem with the appropriate IP.

23 **E. PLAINTIFF'S CUSTOMERS**

24 314. Until the Consortium blocked direct communication between Internet
25 users as described in this Complaint, Plaintiff's products provided to x86-based
26 computer users functionality that included direct Internet communication between
27 computers over the Internet, application-integrated email wide area networking,
28 and a variety of features that automate teamwork and data sharing. Starting in

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1 1988, Plaintiff provided his customers with a worldwide free email service that
2 used telephone lines, local networks, and eventually Internet connections during
3 the 1990s.

4 315. Carroll David Colston, one of the pioneers of Internet communication
5 and Web browsers, developed x86-based email and networking software products
6 that Plaintiff integrated into his products.

7 F. EFFICIENT INTERNET TOOLS DEMISE

8 316. Carroll David Colston is a software developer who has used Borland
9 International x86-specific software development tools that facilitated efficient
10 access to x86 hardware resources before the tools and eventually Borland itself
11 were removed from the market by the Consortium to create a unique mobile
12 TCP/IP handler driver that was packaged in 16-bit x86 downloaded interrupt.
13 Colston developed browser and email products for the x86-based DOS operating
14 system that became popular on the pocket-sized HP 200LX computers.

15 317. David Colston's Internet browser and email, as well as Plaintiff's
16 integrated suite of software applications, were available to x86-based computer
17 users, including the HP 200LX, a palm-size x86 computer made by HP using a
18 highly efficient Intel x186 device. Despite a strong market demand and being
19 highly profitable, the HP 200LX handheld computer and the extremely efficient
20 static semiconductor technology that underpins it were removed from the market
21 to accommodate the Consortium demands that are still being enforced that include
22 keeping x86 personal and business computing incompatible with mobile
23 computing as well as withholding certain Intel technologies from the market.

24 G. HP 200LX STATIC CPU REMOVAL FROM THE MARKET

25 318. Intel x86 devices are dynamic. They required a continuous electrical
26 switching, referred to as a clock signal, to maintain and drive their state. When
27 the clock signal stops, the CPU loses its state. Restarting programs that run when
28 a dynamic chip stops requires saving the program's state in non-volatile memory

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1 before the stop occurs and reloading the program after the CPU restart.

2 319. Static devices used a different type of transistor that allows programs
3 to stop and restart without losing their internal state. A static CPU can halt in the
4 middle of a program, remain inactive for an extended period, and resume its
5 previous state upon restarting. This feature is crucial for battery-operated
6 personal and mobile computing, as it effectively pauses computation without any
7 power consumption or overhead associated with program state saving. Since
8 turning a static CPU on and off takes no additional power and involves no delay,
9 it is possible to pause such a computer or parts of it between inputs, such as a
10 user's keystrokes, and build computers that take a negligible amount of
11 electricity.

12 320. One example of such a computer was the HP 200LX. It was based on
13 an 80186 chip that was designed as a static device. The technology ensured
14 low-power, battery-operated computing without any drawbacks. Intel X86 static
15 technology made it possible for the HP 200LX to pause the CPU to conserve
16 power and then resume operations without losing any data or state. It provided
17 full x86 compatibility using two standard AA batteries before rechargeable
18 batteries became popular. The batteries lasted between 3 to 6 weeks when used
19 for typical operations such as spreadsheets and word processing, modem-based
20 phone calls, Internet browsing, and email. The HP 200LX was a fully capable
21 16-bit x86 that ran virtually all 16-bit x86-compatible software, including
22 business applications such as Plaintiff's. Companies and developers, including
23 Plaintiff, designed custom programs to utilize the 200LX plug-in modems for
24 Internet browsing and email.

25 321. The conflict between the Consortium and Intel was intensifying by the
26 time the HP 200LX debuted in August 1994. The 200LX showcased a technology
27 that enabled Intel to offer robust, independent personal, mobile, and business
28 computing in a mobile form factor, thereby preventing the Consortium from

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1 implementing many of the prevalent mobile computing schemes that currently
2 dominate the market and harm consumers.

3 322. Similar to other projects halted due to Consortium demands, Intel's
4 engineers attempted to break free from the Consortium's anticompetitive
5 constraints with the 200LX, which ultimately resulted in Intel breaking its
6 obligations to its customers and the majority of its shareholders who are not
7 Consortium Participants. After the introduction of the 200LX, Intel discontinued
8 the technology. HP officially discontinued the 200LX in December 1999 as part
9 of a myriad of decisions and strategies by the Consortium that resulted in the
10 Dot-com stock market bubble and subsequent collapse.

11 323. Despite significant popularity and enthusiasm by its users and
12 growing demand for it, HP removed that pocket-size HP 200LX x86 computer
13 from the market and replaced it with a non-x86 computer with limited power that
14 was intentionally designed to be incompatible with existing x86 software and
15 peripherals. The HP replacement was tied with a new Microsoft operating system
16 designed for a Japanese-made CPU that was aimed at preventing users from
17 sharing software between PC computers and the new developing mobile platform.

18 324. HP and Intel engaged in the Consortium's scheme to abduct the x86
19 web-based functionality, such as programmability, user-manageable email, and
20 user-controlled Internet browsers that were available to x86-based computer users
21 and hence to the HP 200LX users, and restrict the usage of mobile devices, as
22 well as to remove a lower-cost alternative x86 choice from the market. Despite
23 protests from individual customers and companies dependent on the popular
24 pocket-size computer, HP and Intel proceeded to remove it from the market.

25 H. X86 STATIC CHIP EFFICIENT POCKET SIZE COMPUTING

26 325. Intel eliminated static chip technology from its manufacturing options.
27 Static chip design makes it possible to create x86-based, pocket-sized,
28 energy-efficient computers that could significantly exceed current standards in

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mobile computing. Both Plaintiff and David Colston collaborated with x86 chip design companies that successfully designed and tested x86-compatible chips of that type that were aimed at pocket-size machines that, like the Intel-based x86 200LX model, would run on low-cost batteries for weeks at a time, but under threats and manipulation by the Consortium, those designs were removed from the x86 consumer market. Some of those designed can still be found at the embedded market, where products that incorporated them included display, machine control, and communication products.

326. Companies that developed x86-compatible static chip systems on a chip design for lower-cost, battery-operated portable devices were forced by the Consortium to limit the distribution of their products to the developing world markets. The Consortium forced Taiwan-based x86 companies to keep their products out of the US market, leading them to develop a significant market for x86-compatible computers in Africa and Asia. The Consortium forced an American semiconductor company, National Semiconductor, to restrict its x86 distribution to South America, where it gained a significant market share. The Consortium eventually took control of that company after Plaintiff's discussion with it.

I. PLAINTIFF'S AND ALTERA, NOW INTEL FPGA

327. In 2005, Plaintiff purchased a semiconductor development license and semiconductor design tools from Altera, an FPGA company that offered a semiconductor manufacturing method and service under the name "hard copy.". Plaintiff proceeds to develop products that would implement his technology, utilizing Altera's agreed-upon "hard copy" semiconductor manufacturing system to bring them to market. After a period, Plaintiff approached Altera to begin the manufacturing of his design using the "hard copy" method. When Altera found out that the Plaintiff's product was intended to offer x86-compatible functionality for the mobile market, it stopped all communication and blocked Plaintiff's

1 access to the "hard copy" technology.

2 328. Eventually, Intel took over Altera, which now operates as an Intel
3 department under the name Intel FPGA. Plaintiff proceeded to collaborate with
4 another FPGA company named Blue Silicon, but as soon as the collaboration
5 started, Blue Silicon was taken over by Lattice Semiconductor, which
6 disconnected communication with Plaintiff and removed Blue Silicon technology
7 from the market. Recently, Lattice has expressed interest in purchasing Altera
8 from Intel. Both Altera technology and Intel's manufacturing and design
9 capabilities complement each other if Intel can break free from the Consortium's
10 undue influence. The market and consumers would benefit greatly from the
11 integration of Altera and Intel's technologies, similar to the current integration
12 between Xilinx and AMD. Based on Plaintiff's experience with Lattice and Blue
13 Silicon, the so-called interest in purchasing Altera reflects the long hands of the
14 Consortium attempting to interfere with Intel's effort to capitalize Altera while
15 continuing to integrate it with its own technology for the benefits of consumers
16 and the market.

17 J. CONSORTIUM'S INFLUENCE ACADEMIC

18 329. The Consortium's long hands also reached academic institutions. A
19 government-sponsored effort of national importance tasked MIT Media Lab with
20 designing the "One Hundred Dollars Computer" for the U.S. and international
21 educational market. Plaintiff presents the x86-based Internet connectivity options
22 and the advantages that make the largest, relatively open software and software
23 tools standard available to students at low cost. MIT Media Lab, however,
24 received regular payments from Consortium Participants, which obligated them to
25 safeguard the x86 market from low-cost competition. Under the Consortium's
26 mandate to safeguard the x86 market from low-cost competition, the MIT Media
27 Lab chose a non-x86-compatible CPU. This decision doomed the 100 Dollars
28 Computer project, leaving the majority of the billion children the project intended

1 to reach without access to computing and the Internet. Eventually, the
2 Consortium-sponsored smartphone, designed as exploitative technology that takes
3 away free choices from its users, took over that market.

4 330. The official launch of MIT Media Lab 100-dollar computer in 2007
5 dubbed as the "green machine" ended as a waste of the public, philanthropic, and
6 private resources that were dedicated to the project, with a few computers ever
7 being actually put to use.

8 **K. OPEN SOFTWARE INJURIOUS DESIGN**

9 331. Consortium's payments to MIT Media Lab financed the creation and
10 design of the "Open Software Foundation." Consortium Participants including
11 Intel control and set the foundation's distribution and standards with the aim of
12 preventing independent programmers and companies from competing against the
13 Consortium's services. "Open Software" enables Consortium Participants like
14 Intel and Microsoft to conceal their strategic software dumping efforts, which aim
15 to shield Consortium products from competition. The dumping of obscure,
16 partial, and undocumented software replaces the release of documentation and
17 tools that are required by competitors for being able to freely program x86-based
18 computers.

19 332. The lack of mechanisms to verify security requirements in "Open
20 Software" amplifies the impact of x86 design flaws introduced and maintained by
21 the Consortium. Consequently, consumers must tolerate security vulnerabilities
22 that the Consortium's security solutions can only partially and untimely address,
23 potentially leading to catastrophic outcomes.

24 **L. PLAINTIFF'S EMAIL AND NETWORKING SYSTEM**

25 333. Plaintiff designed its x86-based email and networking products for
26 public networks, starting with telephone networks and extending it for the
27 Internet. A "store and forward" design method is employed in these products
28 using a modem-connected x86-based computer as a relay to receive and then store

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1 messages until a connection that forms part of the path to the message's ultimate
2 destination is established. Computers listed in the valid path to the message's
3 final destination receive and store messages on route. Initially relying on
4 networks and phones, the system expanded to the Internet and remained in use
5 until around 2002, when Internet service providers finalized their takeover of the
6 Internet, forcing their subscribers to use cable modems, thereby blocking Internet
7 subscribers' freedom of communication and ability to use Plaintiff's products.

8 **M. THE ABDUCTION OF X86 USERS INTERNET ACCESS**

9 334. By 1990, as the market for home-based Internet subscriptions rapidly
10 expanded, Intel recognized that the majority of Internet access points were
11 x86-based computers and that trend will continue to increase with Intel's
12 x86-based computers dominance. Various plug-in x86-compatible modem types
13 were being used at homes and businesses to access phone-based BBS (Bulletin
14 Board Services) such as CompuServe, AOL (America On Line), and others that
15 provide business services such as credit verification, peer-to-peer communication,
16 and email, as well as Internet access.

17 335. When the Internet-based World Wide Web standard and Internet
18 browser emerged in the early 1990s, telephone lines provided the majority of
19 home Internet connections. By 1994, Intel x86-based computers dominated a
20 vast, expanding home Internet subscription market with high-speed coaxial cable
21 connections and Netscape's commercial Internet browser available to x86 users.
22 High-speed Internet connectivity to homes was being provided by a number of
23 Internet service providers across multiple states via phone lines as well as coaxial
24 cable that was connected to a modem installed in an x86-based computer and
25 controlled by the x86-based computer CPU, hence providing equal access to the
26 Internet to subscribers.

27 336. Intel's well-documented anticompetitive campaign against AMD and
28 virtually all other x86 providers, along with its control over OEM and

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1 x86-compatible peripheral manufacturers, gave it a dominant position in the
2 rapidly expanding home computing market, where home computers became the
3 primary gateways to the Internet. Intel realized it could take away from
4 x86-based computer Internet users one of their most valuable assets: their control
5 over their Internet connectivity and their ability to use some of their most
6 valuable x86 applications and features. Using the well-established Consortium
7 scheme, it could then monetize this control by giving it to Consortium
8 Participants, who will provide it exclusively as a services appreciating the value
9 of publicly traded shares that would be distributed to Consortium Participants.

10 337. The scheme has evolved in line with prevailing business practices at
11 the time, which included exploiting consumers by using addictive technologies, a
12 common practice in cable TV companies. Intel famously had business discussions
13 with Barry Diller, investor, promoter, and champion of addictive TV channels
14 such as QVC and Home Shopping Network, to explore ways to monetize control
15 over x86-based computers. Intel aimed to transform the x86 standard into
16 addictive technology, enabling the delivery of addictive media to its users.

17 338. Taking into account Intel's x86 market dominance, its control over
18 x86 OEM and peripheral manufacturing, and the Consortium's control of x86
19 companies and Internet service providers, Intel proceeded to design a plan that
20 would grant Consortium Participants control over their subscribers Internet
21 connectivity. The scheme involved multiple cases of illegal tying. The scheme
22 involves attaching a superfluous CPU to an x86 coaxial modem, creating a new
23 form factor known as a "cable modem." Internet service providers will use illegal
24 tying to force their subscribers to use the cable modem and use the superfluous
25 CPU to remotely control modem operations at the subscriber's home, using it to
26 control subscribers access to the Internet and prevent direct communication
27 between them, thereby forcing them to rely on high-capacity servers that monitor
28 their Internet communication and data transfers.

1 339. The scheme would generate revenue through investments in the
2 publicly traded shares of its direct beneficiaries, which would increase in value
3 due to the scheme's ability to compel consumers to consume addictive media and
4 perform data harvesting on subscribers' personal information. The scheme would
5 allow Consortium Participants to capture consumers that were using Plaintiff's
6 products and other peer-to-peer email, data synchronization, sharing, and
7 networking that would be blocked from running on x86 computers. Customers
8 would be required to utilize Consortium Participants' services, consenting to the
9 sale of their information for data harvesting, behavioral surveillance, and tracking
10 of their behavior.

11 340. The Consortium's formula that was designed to enable and conceal
12 distribution of windfall profits from illicit antitrust violations did enrich a few
13 Intel executives, but Intel's hopes as a company were dashed when the scheme
14 that converted x86-based computer users' time, privacy, and information into
15 profits in the form of the appreciation of publicly traded share value resulted in
16 the bubbled stock market that collapsed in the Dot-com bubble burst at the
17 beginning of 2000.

18 341. Intel's share value never recovered, enabling the Consortium to use
19 the company as its primary exploitative tool for establishing and protecting
20 intrusive standards and practices in the x86 market that became intertwined with
21 Internet-based computing. The heroic efforts of Intel's engineers during the 1990s
22 and the first decade of 2000, which propelled the company to the forefront of
23 semiconductor design and manufacturing, were halted by the Consortium by 2012
24 since any technology that could have empowered consumers jeopardized the
25 Consortium's scheme that was designed to control them.

26 342. By 2012, the Consortium moved to micromanage Intel, masking its
27 activity behind the veil of the vast Intel bureaucracy, suppressing innovative
28 development that empowers consumers, and ejecting their prompters from the

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1 company. The Consortium began Intel's decline by using its undue influence to
2 shut down x86 design projects that competed with the Consortium's stock market
3 runs. That effort culminated in a complete takeover of the company with the
4 appointment of Defendant Bryant to the chairman position in 2012 that was
5 followed by the departure of Intel's key manufacturing and design managers and
6 engineers, as well as the subsequent destruction of Intel's manufacturing and
7 mobile products and technology.

8 343. The current Consortium scheme requires every Internet subscriber to
9 pay for an additional unneeded CPU, installed in a cable modem box and used for
10 the sole purpose of giving Internet service providers control over their
11 subscriber's modem actions. The Consortium uses this control to restrict the
12 choices and freedom of x86-based computer owners to use their computers and
13 Internet connectivity as they desire. The redundant CPU in the cable modem
14 carries out operations previously performed by the CPU in x86-based computers
15 until 2002. An Internet service provider, or anyone who gains access to an
16 Internet service provider network, can not only control the subscriber's modem
17 but also the subscriber's connected x86-based computer. This allows for real-time
18 monitoring and manipulation of x86-computer modem commands, the updating of
19 security settings, and the execution of intrusive operations on subscribers'
20 computers without leaving a trace. The Consortium, with Intel as its main
21 enforcer, is preventing x86-compatible plug-in modems compatible with Internet
22 service providers standard protocols from reaching consumers.

23 N. ADDICTIVE TECHNOLOGY AND PREDATORY DESIGN

24 344. Between 1990 and 1995, while exploring ways to monetize its
25 complete control over the x86 standard, the supply of x86 devices, their form
26 factors, and the expanding home computing market that coincided with the rise in
27 home Internet subscriptions, Intel conceived a scheme to gain control over
28 Internet subscribers' ability to control and manage their Internet communication

1 and monetize that control to the benefit of the Consortium. The scheme involved
2 the tying of an additional superfluous x86 CPU to an Internet service
3 subscription. The plan was to use the additional superfluous x86 CPU as an
4 "agent" to regulate the usage of x86-based computers. Intel began exploring ways
5 to monetize this scheme, communicating with Internet service providers and
6 media companies that had developed and employed addictive technology.

7 345. By 1996, Intel's scheme created a new device that combined an x86
8 CPU and a modem into a single box, which became known as a "cable modem."
9 The Internet service provider would force subscribers to relinquish control over
10 their Internet connection by placing this device between an x86-based computer
11 and the Internet connection. The Internet service provider would remotely control
12 the additional superfluous CPU in the cable modem, thereby replacing the
13 x86-based CPU that manages and controls the modem connected to the coaxial
14 Internet feed line. By 1996, the first part of the scheme was ready. The second
15 part of the scheme required the Internet service provider to compel consumers to
16 purchase or lease cable modem devices, which they would then insert between
17 their computers and their Internet feeds.

18 346. The cable TV industry has already implemented "addictive
19 technology" and "addictive media" in a variety of forms. One such form is the
20 compulsory inclusion of TV shopping channels with TV cable service
21 subscriptions. A series of meetings have taken place between Intel and cable TV
22 executives, including one between Intel CEO Andy Grove and Barry Diller, a
23 champion promoter of addictive TV channels like Home Shopping Network and
24 QVC.

25 347. Home Shopping Network and QVC present habit-forming spectacles,
26 designed to provide TV watchers with a stimulus akin to that of addictive drugs,
27 and then associate this stimulus with shopping, aiming to override the TV
28 watcher's judgment. The term addiction is used here to describe a compulsive

1 behavior in which an addicted individual spends a significant amount of time and
2 money watching and purchasing products that can lead to problems, like any
3 addictive behavior may. A key element of such technology is the inability of
4 subscribers to avoid the inclusion and delivery of the addictive part. The cable
5 subscription package includes shopping and religious channels without offering
6 subscribers the option to exclude them.

7 348. Intel considered the idea of forcing x86-computer users to watch
8 addictive TV by replicating the Home Shopping Network business formula but
9 deemed it too controversial. Participants in the Consortium, both inside and
10 outside Intel, devised an easier-to-conceal method to monetize control over
11 Internet subscribers' communication by utilizing the Consortium's
12 well-established formula and singularly unique financial infrastructure.

13 349. The Consortium's tried and tested formula starts with the identification
14 of an essential functionality that x86-based computer users must rely on. The
15 Consortium then blocks that functionality from operating on x86-based
16 computers, while a Consortium Participant exclusively provides a toll-based,
17 centrally distributed subscription service with similar but inferior functionality.
18 Consortium Participants are the first to receive shares in the companies offering
19 these services. As an exclusive offering of an essential functionality, these shares
20 appreciate in value in a tilted market, generating windfall profits for Consortium
21 Participants due to their exclusive position in the market.

22 350. The Consortium's formula encompasses and supplies all the essential
23 elements required to carry out the scheme. The predatory planning and design,
24 the coordination, the delivery mechanism with the tying that is necessary for the
25 completion of such schemes, along with the singular financial infrastructure that
26 is required to monetize, inflate, and distribute the schemes loot in the form of
27 public shares. That was the exact script initiated by Intel and implemented by the
28 Consortium.

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1 351. As the scheme developed and a software modem protocol standard
2 that could be shared across the Internet provider service sector was prepared, the
3 Consortium increased its investments and influence in the companies that would
4 execute the illegal tying of the cable modem with Internet service and would
5 monetize the control over Internet service subscribers that would be gained.
6 Under the guise of investing in a new digital technology, the Consortium raised
7 and invested billions in cable operator companies. The investments were used to
8 inflate the proxies that were offered to the public and to finance the takeover of
9 highly efficient Internet service provider companies that already provided
10 unrestricted high-speed Internet to x86-based computer owners over coaxial cable
11 connected to a modem installed in the x86-based home computer and managed by
12 the x86 CPU.

13 352. Executives from Intel, media, and cable operator companies discussed
14 in detail the potential benefits of the scheme. They included,

- 15 - Bundling Internet service with cable TV increases its cost.
- 16 - Enabling the tying of Internet service, cable TV package, phone and web
17 services such as email.
- 18 - Computer users would be forced to receive addictive media channels.
- 19 - Computer users would be compelled to depend on centrally distributed
20 services.
- 21 - Computer users would be compelled to consent to collection of their personal
22 data.
- 23 - Computer users would be compelled to use programs that track and monetize
24 their behavior.

25 Indeed, after the scheme's implementation, social media companies developed
26 algorithms that modify users' behavior using abusive designs while taking
27 advantage of the consumer dependencies the scheme created. As an example,
28 direct computer-to-computer communications provided by Plaintiff's software

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1 products were blocked by the scheme, forcing consumers to rely on social
2 communication from social networking companies.

3 353. Between 1998 and 2002, cable operators and phone companies took
4 over virtually all the independent Internet service providers operating in the U.S.
5 and forced all consumers to stop using their own modems and install the cable
6 modem between their computer and their Internet feed, transferring the control
7 over the Internet connection to the new regional monopolies of Internet service
8 providers.

9 354. By 2003, the convergence of the cable TV industry, which had already
10 established addictive technologies and media paradigms, with Internet service
11 providers was complete. The built-in CPU of the cable modem, which the cable
12 companies forced their customers to buy or lease, gave the cable companies
13 complete control over the modem, allowing them to eliminate a class of
14 communication options that were previously available to their subscribers.

15 355. Addictive technology meets three tests: it delivers an addictive
16 product, monetizes its use, and mandates its use by preventing its removal or
17 avoidance by its targeted user. Any technology has the potential to become
18 addictive, but when it incorporates a coercive trait to facilitate one of these three
19 elements, it results in a predatory design. In today's market, consumers are
20 compelled to purchase high-speed Internet that is bundled with broadband TV
21 channels, telephone service, and other associated services, such as streaming.
22 Removing parts of such bundles is costly, disincentivized, discouraged, and
23 impossible with regard to cable TV channels that expose cable subscribers to
24 intrusive and addictive media against their will.

25 356. The U.S. government created the Internet as a public network,
26 granting equal access to all its users under laws. Public networks are not a new
27 phenomenon; they existed before the Internet, some as a closed
28 subscription-based model like the telephone network and some as open but

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1 regulated, such as amateur radio. By definition, networks provide their users the
2 ability to communicate with all other users.

3 357. Network nodes must have a unique identifier that allows other users to
4 address them. A century of experience with multiple companies providing public
5 telephone networks led to the establishment of worldwide telephone numbers. By
6 now, subscribers effectively own their telephone numbers. Subscribers can keep
7 their telephone number when they change their telephone service provider. The
8 Internet is a network that uses unique identification consisting of IP addresses
9 (Internet Protocol addresses) to identify network nodes. Here, IP stands for
10 Internet Protocol. Devices connected to the Internet use IP addresses, a numerical
11 label, as their unique identifier. The Internet's fundamental design relies on
12 unique IP addresses for identifying devices connected to the Internet, giving
13 every device the ability to control the sending and receiving of information from
14 and to any other device connected to the Internet.

15 358. The Consortium's nefarious scheme takes from x86-computer users
16 control over their IP address, transferring it to Consortium Participants. It is done
17 by compelling the subscriber to insert between the subscriber's x86 computer and
18 the Internet feed connection a remotely controlled superfluous computer that is
19 controlled by the Internet service provider. That computer has its own IP address,
20 hiding the subscriber's x86-based computer IP address from the rest of the
21 Internet and preventing any direct communication between subscribers. The name
22 given to that computer was cable box.

23 359. x86-based computers, such as Plaintiff's and his customers, that were
24 connected to the Internet directly until 2002 were forced after 2002 to connect via
25 a cable modem instead, and their ability to send and receive information over the
26 Internet to and from any other computer connected to the Internet was taken
27 away, forcing them to use substitute paid services and pay for those services by
28 allowing data harvesting that is used by Internet providers and their corporate

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customers to monetize both personal and communication information.

2 360. The use of IP addresses for identity verification is essential for secure
3 remote connections over the Internet. It required remote management of servers,
4 online services, and commerce, as well as remote working. However, Internet
5 service providers have stripped their subscribers of the identification mechanism
6 that is transparently inherent in the design of the Internet. An Internet
7 subscriber's IP address, associated with the cable modem rather than their own
8 computer, is subject to arbitrary and random changes at any given time. Some
9 Internet service providers allow their home subscribers to pay an additional
10 monthly fee to rent their own IP address, essentially charging a fee to prevent
11 abusive practice.

O. ANDY GROVE WEALTH CREATION PLAN

13 361. By 1997, Intel executives had devised a strategy to leverage Intel's
14 dominance in the x86 market, which dominated Internet access points, and turn
15 the Internet into a wealth creation tool for corporations and their executives. The
16 strategy aimed to change the Internet from a public communication system with
17 equal access, which the US government transferred to the public, into a
18 centralized tool under corporate control. This tool would block independent
19 communication, thereby facilitating the distribution of corporate products that
20 incorporate addictive media and would enable corporations to monetize their
21 control over users and private business information.

22 362. During 1997, Intel CEO at the time, Andy Grove, adapted the plan as
23 a wealth creation opportunity and implemented it based on the lessons learned
24 from the IBM personal computer scheme, which divided the tying of personal
25 computer parts between multiple companies. Other companies, rather than Intel,
26 will use illegal tying between x86 cable modems and Internet subscriptions. One
27 of the arguments in favor of the plan was that the control over subscriber
28 connectivity that Internet service providers gain will make the entire Internet

1 segment more attractive to investors. Indeed, the plan planted the seeds and set
2 the stage for the Dot-com bubble, which began to inflate in 1997 when Intel
3 solidified the plan with its technical partners. This bubble swelled in February
4 1998 following a meeting between Andy Grove and, according to news reports,
5 Hollywood moguls. In this meeting, Andy Grove took the lead, preaching to the
6 chieftains of media companies that their future lies in controlling their audience
7 behavior using the new tools Intel would provide them. The Dot-com bubble
8 burst on March 10, 2000.

9 363. Since independent Internet service providers had no incentive to force
10 their customers to purchase the more expensive and unnecessary x86 cable box,
11 the tying of x86 cable modems to Internet subscriptions would require a takeover
12 of all Internet service providers, effectively extending the Consortium into the
13 new Internet market. At the end of 1997 and the beginning of 1998, Andy Grove
14 evangelized his wealth creation plan to cable TV and media moguls. Intel offered
15 to withhold Internet-compatible modems from the x86 market in exchange for
16 cable TV operators taking complete control of the Internet service provider
17 market and tying the x86 CPU-based cable modem boxes with consumers'
18 Internet access subscriptions.

19 364. The plan would force every Internet subscriber, regardless of the type
20 of computer used, to pay for an additional x86 CPU, but that was the least of its
21 impacts. Andy Grove persuaded media moguls with the promise of a captive
22 audience for their 500-channel cable services, offering a long list of additional
23 benefits. These included conditioning consumers' Internet access to cable TV
24 subscriptions, transferring networking control from consumers to providers,
25 enabling the monetization of consumer data, increasing the cost of entry-level
26 Internet access due to forced bundling with cable TV, and collaborating with the
27 technology industry to develop methods and tools to monetize control over
28 consumer data.

1 365. By distributing the majority of the resulting vast wealth directly to
2 individual decision-makers at a lower tax rate via the stock market, companies
3 with a captured market could bypass corporations' taxable revenue. This strategy
4 effectively led to the Dot-com stock market bubble and its subsequent collapse in
5 2000. It resembles the current situation where Consortium Participant are holding
6 back competition that can distribute technologies equally and prevent
7 concentration of computational power in the hands of a few providers that enjoy a
8 stock market bubble as a result.

9 **P. MONETIZING ABDUCTED X86 FUNCTIONALITY**

10 366. After gaining control over Internet access, cable companies forced
11 their subscribers to purchase or lease cable modems, which they then used to
12 regulate their Internet connection usage. Internet service providers effectively
13 lock in Internet subscribers, fostering monopolistic relationships with customers
14 within a specific geographic area. The cable companies, Consortium Participants,
15 took away the ability of x86-based computer users to use Plaintiff products and
16 then offered the same functionality as services at a premium price.

17 367. The cable companies established a profitable service known as
18 Internet Business Service to provide businesses with essential direct two-way
19 communication that replaces blocked Internet access for home subscribers, albeit
20 at a substantial additional cost. They accomplished it by enabling x86-based
21 computer users to manage the superfluous CPU that controls the cable box
22 modem.

23 368. In what turned out to be the most lucrative part of that infraction, the
24 cable companies began to collect and sell their subscriber information, laying the
25 groundwork for a variety of intrusive strategies and undesired Internet-based
26 activities like spam and intrusive targeted advertisement that follows Internet
27 users private and confidential behavior. This, in turn, contributed to the DOT
28 COM stock market bubble that deflated in 2000 and continued until 2003.

Q. THE CABLE MODEMS TYING SCHEME

369. The cable companies incorporated unique codes into their signals to force customers to use only modems housed in cable modem boxes, while Intel, through its control over the x86 OEM, removed the availability of x86 plug-in modems for x86 computers.

370. Between 1998 and 2003, the market was transformed, forcing every home Internet subscriber to pay for a cable modem and submit to the cable companies control over their Internet access, and every business was required to pay for an Internet connection that provided it with the abducted x86 capabilities at a significant cost.

XI. PREDATORY DESIGN AND ITS CONSEQUENCE

A. LEGAL TEST: PREDATORY DESIGN AND MODULARITY

371. When changes to a product's design, functionality, interface, or compatibility harm competitors or limit the product's usability, they can be considered predatory. The federal court recognized Microsoft's changes to its Windows operating system, which targeted the Netscape browser, as predatory designs. Microsoft modified its operating system to provide the same Internet browsing capabilities as the Netscape application, presenting it as a non-modular component of its Windows operating system, rather than an application that users of x86-based computers could install or remove. As part of the remedy in the 1998 government case v. Microsoft, the Microsoft was forced to reverse its design changes to its Windows operating system and provide its browser as a separate program that can be installed and enunciated by its users.

372. Some of the x86 architectural peculiarities (ring 0, pipeline, dark silicon, lack of CPU dedicated memory, and individual CPU allocation) introduce unnecessary overhead, security vulnerabilities, deleterious effects on consumers and competition, and unfair advantages to Consortium Participants that are detrimental to Intel x86 customers. They supplanted efficient solutions and

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1 technologies that would have empowered x86 consumers but limited the
2 Consortium's influence and profits.

3 373. Federal courts and regulators have recognized the importance of
4 modular design for both customers and competition, but they have also
5 acknowledged that a blanket prohibition on the integration and unification of
6 technologies can hurt consumers. Integration may enable significant product
7 improvement for consumers, including power consumption reduction, increased
8 computational power and speed, and lower cost. In a case that was brought
9 against Intel by the FTC regarding the design of its programming tools, Intel
10 agreed to a consent decree on July 28, 2010, and the FTC issued its decree on
11 October 29, 2010. as to the product-design claims generally, the consent decree
12 required that Intel not make any engineering or design change to its products if
13 the change (1) degrades the performance of a product sold by a competitor of
14 Intel and (2) does not provide an actual benefit to the Intel product. The decree
15 further put the burden of showing such a benefit on Intel. The FTC explained in a
16 notice accompanying the proposed consent agreement that merely showing
17 "actual benefits" would be sufficient.

18 374. The FTC explanation, that merely showing "actual benefits would be
19 sufficient," reflects the potential benefits to consumers from Intel's ability to
20 combine its design and manufacturing to solve the most critical problems current
21 technology is facing, starting with unacceptable power consumption levels that
22 current computing requires.

23 **B. CROWDSTRIKE IN CIRCULAR OWNERSHIP**

24 375. An x86 design flaw enabled a bug that led to a worldwide failure of
25 x86 computers on July 19, 2024. A distributed software update from a security
26 company named CrowdStrike caused the shutdown of numerous x86 computers,
27 stopping the operation of numerous companies around the world. The
28 CrowdStrike company was created to take advantage of Intel's and the

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1 Consortium's manipulation of the x86 design.

2 376. CrowdStrike was founded by Intel employees who joined Intel after
3 Intel acquired McAfee Antivirus software in February 2011. The Consortium
4 Participants, who are currently Intel's major shareholders, control CrowdStrike.
5 In late 2011, CrowdStrike started to provide software that will protect Intel x86
6 computers from security vulnerabilities resulting from x86 design choices. Intel's
7 manipulation of its x86 technology, as well as its exclusionary actions, enable and
8 protect CrowdStrike's exclusive ability to provide partial remediation for those
9 vulnerabilities.

10 377. Intel's manipulation of x86 technology created the security
11 vulnerabilities that allow the Consortium to turn predatory design and antitrust
12 violations into billions in profits, while harming the x86-based economy without
13 any consequences. CrowdStrike provides endpoint security and protection for
14 computer network communication with clients. Computers, laptops, tablets,
15 mobile phones, and wireless devices, along with wearable devices and
16 equipment, are examples of endpoint devices that interact with corporate
17 networks. The purpose of endpoint security is to avert breaches in these types of
18 communications. Instead of allowing x86 programmers to continue to control and
19 address network communication between x86 servers and x86 clients, Intel, at a
20 significant cost to both Intel and its customers, segregated web-based network
21 operations and withheld access to them from x86 programmers, introduced
22 remote backdoor capabilities that are also obscure to programmers, and
23 implemented built-in tracing and debugging of x86 computers' internal operations
24 in real time that are only available to Intel collaborators and are withheld from
25 x86 programmers.

26 378. The exclusionary acts and predatory designs outlined in this
27 Complaint have resulted in billions in windfall profits for the Consortium
28 Participants, both to individuals and companies. Those windfall profits to the

1 Consortium Participants that control Intel are the motivation for those actions that
2 have caused significant harm and damage to Plaintiff, as well as trillions in losses
3 to Intel itself, Intel's as well as AMD's x86-based computer users and
4 corporations that depend on the x86 technology, consumers, and the U.S.
5 economy that depends on that technology, and have dire implications for the U.S.
6 global position.

7 **XII. CONSORTIUM PARTICIPANTS FRAUD ON CONSUMERS**
8 **AND PLAINTIFF**

9 **A. CPU, SOFTWARE AND TRADEMARK FRAUD**

10 379. Two leading Consortium Participants, Microsoft and Qualcomm, are
11 engaged in an effort to use product designations and trademarks to mislead and
12 confuse consumers, professionals, and regulators as part of an effort to harm
13 Intel as well as Plaintiff. Product designations and trademarks evoke consumer
14 expectations, which consumers use to make their purchasing decisions.
15 Consumers anticipate the ability to drive cars to their preferred destinations and
16 assume that their cars will be compatible with fuel sold in gas stations. A
17 company that will mislead consumers to buy its cars that were designed to use
18 special fuel available only at that company store by using a trademarked name of
19 a regular car it continues to sell will face legal action from regulators and
20 consumers regarding the confusion and misinformation it introduces.

21 380. Consumers expect computers to run their software. Microsoft is
22 selling devices marketed as Windows computers, that are not capable of running
23 users' Windows programs. Microsoft designed those computers to exclusively
24 run its store-bought applications and serve as gateways for its subscription-based
25 services. Personal computer users reasonably expect to be able to run their
26 chosen programs without mandated dependencies or limitations on their choices
27 of programs and their ability to program and control their computers.

28 381. Microsoft created and used the "Windows" trademark to describe

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1 products that run x86-compatible programs. Microsoft is deceiving its consumers
2 by promising the benefits of the x86 semiconductor architecture, which include
3 the largest selection of programs, a relatively open programming environment
4 that fosters competition, variety, and lower pricing, as well as backward
5 compatibility with Windows and x86 programs.

6 382. As part of the Consortium's effort to weaken Intel and destroy the x86
7 standard, Microsoft is using its Windows trademark to sell devices designed to be
8 incompatible with x86. This move aims to convert the personal computing market
9 to a centrally distributed model, similar to what the Consortium established in the
10 smartphone market. The association of the Windows trademark with those
11 devices is a clear breach of trademark laws and regulations, which aim to
12 safeguard consumers from purchasing decisions based on such misrepresentation.
13 Consortium Participants intentionally misrepresent their products and trademarks
14 in an attempt to suppress competition and coerce consumers to buy their services.

15 383. Consortium Participants sell products under a wide range of false
16 pretenses and misleading claims that the products are compatible with standard
17 personal computing, that they are compatible with the personal computers, a
18 range of computer programs that offer privacy, security, dependability, and
19 independence that consumers reasonably expect from personal computers, and
20 that the technologies that customers monetize both personal and communication
21 information. consumers expect to be available on personal computers are
22 available without the need to subscribe to toll-based centrally distributed services.

23 384. The Defendants Intel are engaged in effort to undermine the x86
24 standard in two ways. They have tolerated attacks on the x86 standard by
25 Microsoft and Qualcomm without taking appropriate legal action, and they have
26 collaborated with the Consortium to implement predatory design changes to the
27 x86 architecture that are detrimental to x86 users in order to assist the
28 Consortium in compelling consumers to depend on centrally distributed services.

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B. MICROSOFT FRAUD ON CONSUMERS AND INTEL

385. The Consortium's strategic objective is to eliminate autonomous personal computing, which includes users' ability to program their personal computing devices, and force the market to rely solely on toll-based online services offered by Consortium Participants. To that end, Microsoft and Qualcomm, two of the leading Consortium technology companies, engaged in consumer fraud as part of the Consortium's attack on Intel and the prevalent x86 personal computing standard.

386. Microsoft released a product line, presented as Windows personal computers, to force consumers to use toll-based, centrally distributed Consortium Participants services, despite the product line's incompatibility with personal computing standards and Windows programs. This deceit is harming both Plaintiff, consumers, and Intel. It eliminates independent programmers and companies' ability to compete, and it serves the Consortium's long-term strategic objectives of weakening Intel and destroying the x86 standard.

387. To that end, Microsoft is using its own Windows trademark, which is associated with x86 personal computing and indicates compatibility with a large number of programs and codebases created over more than four decades that provide invaluable functionality to personal computer users. By using the "Windows" Microsoft trademark and the product designation of a personal computer, Microsoft presents devices that are incompatible with Windows and personal computing to consumers as Windows-compatible personal computers.

388. Microsoft and Qualcomm developed the ARM-based so-called "Windows processor," misrepresenting the Windows trademark, as part of the Consortium's effort to destroy the x86 standard and weaken Intel to protect the decades-long Consortium's effort to replace autonomous personal and business computing with toll-based, centrally distributed services. Microsoft misleads consumers, including Plaintiff's customers, into believing they are purchasing

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1 personal computers that are compatible with x86 PCs and the Windows operating
2 system. However, consumers are receiving ARM-based so-called "Windows
3 processors" that can only run a limited number of modified Microsoft programs
4 on ARM-based devices. Those devices are incompatible with non-Microsoft
5 programs written for Windows. The intention behind the design is to coerce
6 consumers to depend for their critical personal computing needs on Microsoft
7 toll-based, centrally distributed services while eliminating potential competition
8 from developers, including Plaintiff.

9 389. Following are four comments (a. to d.) from Amazon customers that
10 reflect the surprise and frustration of consumer who purchase those devices:

11 https://www.amazon.com/product-reviews/B0CXKYTQS2/ref=cm_cr_unknown?ie=UTF8&filterByStar=three_star&reviewerType=all_reviews&pageNumber=1#reviews-filter-bar

12 a. "Be aware that the Qualcomm Snapdragon CPU does not support AVX,
13 which is required for many photo/video processing and gaming programs. Really
14 wish I had know that since I specifically bought this to process photos while
15 traveling. So now I have a very expensive web browser I didn't need."

16 b. "However, what I have noticed is how many pieces of software simply
17 do not work on this machine due to the Snapdragon ARM architecture. Box
18 Drive, which I rely on for cloud storage, doesn't work, and my Plustek scanner,
19 which I bought only three months ago, also refuses to function. Both companies
20 told me they couldn't offer any help, and this has been a huge disruption for me.
21 If I had known about these major compatibility issues, I would never have bought
22 this laptop."

23 c. "I spent a fair bit of money on this new machine, and the marginal speed
24 increase does not make up for the loss of these mission-critical tools. I strongly
25 advise against purchasing a laptop with the new ARM chip unless you're
26 prepared to lose access to key software you rely on. I expect it will take at least a

1 year for companies to catch up with support "if they ever do."

2 d. "This has been a very bad upgrade experience, and I'm hugely
3 disappointed that Microsoft would release a top-of-the-line laptop with significant
4 compatibility problems that were not disclosed. Shame on Microsoft for not
5 addressing or warning users about these issues.

6 C. MICROSOFT, AMAZON, APPLE, NVIDIA, QUALCOMM

7 390. Microsoft, Amazon, Apple, Nvidia, and Qualcomm, along with the
8 three investment funds, Vanguard Group Inc., BlackRock Inc., and State Street
9 Corporation, and their leaders, are the Consortium's main conspirators and
10 beneficiaries. These entities established the Consortium by orchestrating the
11 manipulation of markets, technology, and consumers to generate profits for
12 themselves. The manipulation and suppression of the x86 standard and
13 technology enable the creation of the Consortium and its continuing operations to
14 the present. Controlling the x86 technology, its providers, and users is crucial
15 and paramount to the Consortium's continuing operations. The three funds own
16 the majority of shares of Intel, a provider and the standard-setter of x86
17 technology, and of AMD, the only other provider of x86 that must follow Intel's
18 and Microsoft's x86 standards, as its 10-K form reveals. The Consortium utilizes
19 this power to control, undermine, and, in recent decades, attempt to partially
20 succeed in destroying the x86 standard.

21 391. As detailed in this Complaint, the x86 standard, as the lingua franca
22 of the Internet, enables competitive development of autonomous computing. It is
23 also the main revenue source of the U.S. high-end semiconductor industry. The
24 Consortium attempts to destroy it in order to withhold the benefits of the
25 semiconductor industry from non-Consortium independent developers and
26 consumers and redirect it to its own central distribution computing centers,
27 necessitating the destruction of the U.S. high-end semiconductor industry itself
28 and the forcing of the industry to outsource high-end semiconductor

1 manufacturing to foreign companies that are operated further from U.S.
2 regulators and professionals scrutiny. The Consortium aims to exercise a higher
3 level of control over the availability of semiconductor manufacturing to
4 competitors to lessen potential competition. The opening of Intel's fab services
5 division, which provides potential Consortium competitors such as Plaintiff with
6 integration with x86 design capabilities, is at the core of the conflict between the
7 Consortium and Intel.

8 392. Vanguard Group Inc. and State Street Corporation collectively hold
9 the largest voting blocks within the companies that make up the entire U.S.
10 economy's technology sector. Compared to BlackRock, they invest less in
11 start-ups and projects that directly benefit from the manipulation of Intel's and the
12 x86 standard. However, they reap the greatest rewards from the Consortium's
13 illegal activities that require their explicit approval, which drive a sharp increase
14 in share value.

15 393. A circular ownership corporate structure exists between the three
16 investment funds and their major vehicles, Microsoft, Amazon, Apple, Nvidia,
17 and Qualcomm. The Consortium's design hides the relationships between
18 Consortium Participants' investments and profits, which stem from illicit actions
19 such as breaking antitrust laws and financial regulations and manipulating stocks
20 to increase the index-based revenue of the three investment funds and individual
21 Consortium Participants' investments.

22 394. Circular ownership refers to a company that owns a significant stake
23 in another, which in turn owns a stake in the original company. This creates a
24 loop or "circle" of ownership. The relationships between Consortium Participants
25 form a large, layered network of circular ownership. The Consortium structure
26 introduces an extra layer of profit sharing, where each individual Consortium
27 participant, without exception, invests and reinvests their salaries, remuneration,
28 granted shares and options, and gains from their direct employers in

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1 Consortium-related publicly traded shares. Those shares appreciate in value due
2 to the protection their actions provide. This motivates them to act in the
3 Consortium's best interest against the companies they manage, as detailed in the
4 Complaint.

5 395. The circular ownership structure between the five technology
6 companies and the three index-based funds aims to enable money laundering, tax
7 evasion, and circumvent regulatory oversight. The three funds and the five
8 technology companies intertwine with Consortium Participants across all industry
9 sectors to conceal their control over the design and supply of semiconductors,
10 which determine the functionality available to consumers, Plaintiff, and the
11 market.

12 396. The Consortium uses circular ownership to generate and then share
13 windfall profit with Consortium Participants, as exemplified by the establishment
14 of CrowdStrike. By exerting undue influence and control over Intel's x86 design,
15 Consortium Participants introduce design modifications that create security flaws
16 and vulnerabilities in x86-based computers, along with corresponding design
17 changes to the Windows operating system. These design modifications compel
18 users of x86-based computers to rely on products and services that only
19 Consortium Participants, who are aware of these detailed modifications, can
20 provide. Consortium Participants created CrowdStrike to offer such a security
21 product and service, positioning it as an exclusive investment opportunity for
22 Consortium Participants. Consortium Participants, including the three funds that
23 own the majority shares of Intel and Microsoft, launched CrowdStrike as a public
24 corporation. Intel and Microsoft are two Consortium Participants who create the
25 demand for CrowdStrike products. The circular ownership between the owners of
26 CrowdStrike and other Consortium Participants obscures the relationships
27 between technology companies and a company that provides solutions to the
28 design flaws they introduce.

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1 397. The Consortium gained undue influence and effective control over
2 Intel's board of directors and executives using the following two methods:
3 Firstly, Consortium Participants are violating the 1950 Celler-Kefauver Act by
4 purchasing and holding publicly traded shares with the intention of controlling
5 and influencing Intel's strategic decisions, as well as the appointment of Intel
6 directors and executives. They do this to shield the Consortium from competition,
7 compel consumers to purchase Consortium services, and establish their
8 dependence on the Consortium. Investments in Consortium-initiated companies
9 and projects that take advantage of the uneven marketplace are being used to
10 enrich Consortium Participants. Secondly, Consortium Participants leverage the
11 information about the uneven market their own actions create to invest in
12 companies they safeguard, confident that the protection they offer will boost the
13 value of these companies' publicly traded shares. With this knowledge, Intel's
14 directors and executives were able to acquire stakes in protected companies,
15 confident that the exclusivity and competition protection provided by Intel for
16 these companies' products and services would result in substantial profits for
17 themselves from the subsequent exponential growth of these companies and their
18 investments.

19 **D. CONSORTIUM INFLUENCE ON INTEL AND AMD**

20 398. The Consortium, in violation of antitrust law, sets design parameters
21 for Intel and AMD x86 processors that include the predatory design of significant
22 parts of the x86 architecture. Those anticompetitive design parameters and
23 predatory changes to Intel's x86 devices serve its strategic goals and ensure
24 immediate and long-term protection from competition for Consortium services
25 and products. It contributes to the rapid growth of Consortium companies'
26 publicly traded shares. The Consortium is compelling both Intel and AMD to
27 cede control over their x86 product design parameters, with the aim of limiting
28 how users can utilize their x86-based products.

1 399. The Consortium-enforced restrictions and design decisions on the x86
2 architecture lead to inherent security flaws in the x86 design, which generate
3 billions in revenue for Consortium Participants who provide solutions to these
4 security failures.

5 400. Sinkclose is a name that was given to such a vulnerability in AMD
6 chips. The Sinkclose vulnerability enables hackers to execute malicious code in
7 the System Management Mode, a privileged memory access mode of AMD
8 processors. This mode unnecessarily grants a portion of the x86 firmware
9 unlimited control over all running programs. It affects all AMD chips dating back
10 to 2006 or earlier. Both Intel and AMD design modifications are giving operating
11 systems as well as hackers undue control over application memory, resulting in
12 ongoing economic losses for the entire economy, similar to the losses caused by
13 the Consortium-owned CrowdStrike in July 2024.

14 E. DESTRUCTION OF INTEL SMARTPHONE AND
15 SEMICONDUCTOR MANUFACTURING

16 401. Under the leadership of Intel CEO Paul Otellini, Intel developed
17 mobile versions of its x86 semiconductor devices and made significant
18 investments in the development of wireless and smartphone modem technology.
19 The rapid shift in consumer usage of computing from personal computers to
20 smartphones put Intel in a unique position, allowing it to empower consumers and
21 the economy with unrestricted open wireless personal computing, taking
22 advantage of the x86 standard and low-power semiconductor technologies that
23 were developed at Intel for two decades but were shelved with Defendant
24 Bryant's active role to prevent that exact empowerment. In the two decades
25 before taking control of Intel in 2012, the Consortium, with Defendant Bryant's
26 active role, removed from the market low-power x86 technologies and ran a
27 propaganda campaign, coordinated with the manipulation of Intel x86 design
28 decisions, to mislead the market and technologists into the wrong assumption that

1 x86 architecture inherently consumes more power than ARM-based architecture,
2 a fundamentally wrong supposition. With a technology breakthrough that was
3 achieved at ASML, a Dutch company that designed in collaboration with Intel
4 EUV semiconductor manufacturing machines, Intel's strategy and technology ran
5 into direct conflict with the Consortium that in the previous decade, with
6 Defendant Bryant's active role, suppressed low-power computing to prevent that
7 exact empowerment of consumers and designed the smartphone market to force
8 consumers to rely on central services and eliminate independent autonomous
9 computing and programming that can compete with those services. The
10 Consortium moved to separate Intel and the x86 standard from the advanced
11 semiconductor technology developed by ASML and Intel with disastrous
12 consequences for the American semiconductor industry.

13 402. The conflict between Intel and the Consortium dates back almost two
14 decades, stemming from the suppression of low-power technologies that Intel
15 either developed or acquired, with Defendant Bryant serving as the Consortium's
16 representative at Intel. The conflict reached its peak in April 2012 when Intel
17 introduced x86-based smartphones, which allowed users of mobile devices to use
18 them without a Microsoft operating system. This move potentially created
19 compatibility between smartphones and personal computers, exposing the
20 dominant Consortium companies, Microsoft with its x86 operating system and
21 Apple with its dominant smartphone, to competition that could have resulted in
22 significant improvements and savings for consumers.

23 403. In 2012, the Consortium had taken direct control of Intel by
24 positioning Defendant Bryant as Intel Chairman and subsequently, on May 16,
25 2013, replacing Intel CEO, Paul Otellini, with Brian Krazañich. Intel effectively
26 discontinued support for x86-based smartphones, but due to the conspicuous
27 contradiction with the rapidly shifting market from personal computers to
28 smartphones, Bryant and Krazañich delayed the official announcement of

1 abandoning Intel's x86-based smartphone until 2016.

2 404. As the computing technology landscape rapidly shifted from personal
3 computing to smartphones, Intel, with its line of x86 smartphones and its
4 unparalleled advanced semiconductor manufacturing, was in a unique position to
5 shift the market into a higher level of autonomous computing for consumers and
6 companies, unify personal, business, and mobile computing, and open the market
7 to competition, significantly lowering costs to consumers and improving the
8 economy. For the Consortium, it meant relinquishing key achievements that were
9 achieved with the establishment of smartphone standards that were designed to
10 first drive and then normalize the market shift towards centrally distributed
11 computing. Bryant moved in earnest to protect the Consortium objectives by
12 gutting Intel. The Consortium plan that was executed by Defendant Bryant can be
13 summarized in the following four paragraphs.

14 405. Firstly, implementing predatory design and additions to the x86
15 architecture coordinated with exclusionary policies that dedicated a significant
16 portion of the x86 architecture to features that created an uneven field to give
17 Consortium Participants unfair technological advantages using x86 devices and
18 preventing non-Consortium developers, including Plaintiff, from competing with
19 Consortium services. These predatory designs gives unfair advantage to
20 Consortium Participants but harmed x86-based computer users by introducing
21 security defects, higher energy consumption, overheating, and increased costs.

22 406. Secondly, abandoning Intel's x86 Atom-based smartphone product
23 line, renegeing on Intel's agreement with Plaintiff to bring his technology to Intel's
24 x86 customers, and selling Intel's smartphone modem department to Apple to
25 make it more difficult for a new leadership that would inevitably replace
26 Defendant Bryant team to restore Intel's combativeness.

27 407. Thirdly, hindering Intel's competitive edge by undermining Intel's
28 investments and upgrades of its semiconductor manufacturing with advanced

1 ASML EUV machines that were developed with Intel's collaboration and finance.
2 It pushed Intel manufacturing back from being two years ahead of TSMC to at
3 least 6 to 10 years behind it. Consortium Participants inside Intel, led by
4 Defendant Bryant and CEO Krazanich, campaigned to undermine Intel's
5 investment in ASML, ejecting from Intel top engineers and managers with the
6 ultimate goal of separating Intel from its high-end manufacturing and forcing it to
7 outsource its semiconductor manufacturing to TSMC, following a scenario that
8 forced AMD to abandon and outsource its manufacturing. Intel held back on
9 adapting next-generation equipment used in the extreme ultraviolet lithography
10 (EUV) technique, instead redirecting the fruits of Intel's investment and
11 collaboration with ASML to TSMC in Taiwan. It sets back Intel's and the
12 American semiconductor industry for at least a decade and may have caused
13 irreparable damage beyond Intel and the computing industry.

14 408. Fourthly, installing Consortium Participants at Intel's key positions in
15 preparation for the inevitable backlash and the replacement of Intel's management
16 to allow the Consortium to continue to control Intel and protect its centrally
17 distributed services and stock market scheme that was enriching Consortium
18 Participants, including those inside Intel.

19 409. In the aftermath, Intel lost its primacy and relevancy in the market.
20 After selling his approximately 3 billion dollars in Intel's shares, Defendant
21 Bryant resigned from Intel.

22 410. The primary objective of the Consortium scheme is to enforce a
23 uniform prohibition on independent programming for critical functionality on
24 x86-based computers. That critical functionality is then replaced with centrally
25 distributed services that are provided exclusively by Consortium Participants.
26 Consumers are required to rely on and subscribe to these services. The
27 Consortium Participants reap the benefit from the appreciation in value of
28 Consortium publicly traded shares that appreciate in value due to the market's

1 dependency on these exclusive Consortium services.

2 411. The Consortium's suppression and manipulation of Intel's technology
3 and consumer access to the Internet have an additional significant impact beyond
4 the mere protection of central Consortium services, making the control of Intel
5 and the x86 standard paramount to the Consortium's profits and further
6 motivating the Consortium to safeguard its control over Intel. With parallel
7 computing and low-power semiconductor technology that is being withheld from
8 the market, consumers will be able to communicate freely with any number of
9 users over the Internet without being dependent on massive infrastructure that is
10 only available from Consortium Participants. Parallel computing and low-power
11 semiconductor technology will also allow small operators to engage in online
12 marketing without having to depend on massive infrastructure. This reliance on
13 massive infrastructure enables service providers to selectively employ social
14 algorithms, exposing consumers to a wide range of addictive technologies at
15 significant economic and social costs.

16 412. Intel has the technology and market position to end the Consortium
17 Participants' scheme in two distinct ways, pursuing both long-term and
18 short-term strategies concurrently. The first short-term path open to Intel is to use
19 its existing CPU design to offer x86 users unrestricted access to x86 capabilities
20 that enable competition by independent x86 developers, such as Plaintiff, and
21 allow them to freely utilize the x86 CPU's full computation, communications,
22 and development resources to provide consumers with savings and better and
23 safer functionality. This would require minimal changes while maintaining
24 compatibility with existing x86 standards and conventions. Plaintiff technology
25 enables better utilization of the large number of transistors that in current devices
26 are either wasted or detrimental to efficient usage. The technology makes it
27 possible to use those transistors to reduce power consumption and increase
28 functionality and performance.

1 413. The second longer-term path open to Intel is to use the large
2 transistor count that resulted from Intel's enormous investment in manufacturing
3 that was required for keeping up with Moore's law and is underutilized in current
4 semiconductor architectures in a new inherently parallel optimal model of
5 computation that can provide critical functions that were effectively "abducted"
6 by the Consortium as an inherent functionality. Like the first optional path, it
7 would reduce consumer costs and resolve the security and power issues that
8 plague current computing, but its impact is more significant.

9 414. Both the short-term and the long-term paths that are open to Intel
10 were designed for Intel's existing manufacturing and design methods defined by
11 current PDKs (Production Design Kit).

12 **F. PREDATORY DESIGN UNDER THE CONSORTIUM
13 INFLUENCE**

14 415. In 2012, less than two years after Intel settled an antitrust case brought
15 by the FTC agreeing to avoid predatory design that (1) degrades the performance
16 of a product sold by a competitor of Intel and (2) does not provide an actual
17 benefit to the Intel product, Defendant Bryant, as newly installed Intel's
18 chairman, moved the company to dedicate a significant allotment of x86 devices
19 to architectural features designed to give a competitive advantage to Consortium
20 Participants by giving them access to x86 architectural features that only partially
21 mitigate significant degradation that Intel designed into its x86 architecture. That
22 design degrades x86-based computers performance, security, reliability, and
23 efficiency and significantly increases their electrical power consumption.

24 416. The degradations that Intel designs into its x86 architecture have an
25 impact on the market as a whole, serving the objectives of the Consortium to
26 compel consumers to rely on centrally distributed services. Only Consortium's
27 companies, equipped with massive energy infrastructure are capable of
28 supporting the level of electrical consumption require to provide these services.

1 Intel's design of its high-end x86 processors requires unnecessary higher
2 electrical energy that can only be obtained with massive investment, making it
3 difficult for independent, smaller companies to obtain or offer intensive
4 computations like AI (artificial intelligence) or online database services that
5 include online marketing. It increases the Consortium's hold on the market by
6 forcing companies to depend on Consortium resources for entering the market
7 and forcing consumers to rely on large Consortium Participants that can provide
8 the necessary electrical energy.

9 417. Intel's predatory design results in excessive energy consumption of
10 Intel x86 devices that lead to overheating, necessitating noisy, high-speed cooling
11 fans for Intel high-end x86 processors. It compels consumers to avoid using these
12 computers in favor of online services offered by large Consortium Participants
13 that use those computers in dedicated facilities.

14 418. Intel's predatory design falls into two categories. In the first category,
15 include predatory changes to the x86 architecture device that degrade x86-based
16 computers performance and functionality. The second category implements
17 predatory technologies and form factor extensions to the x86 architecture that are
18 only available to Consortium Participants giving them an unfair competitive
19 advantage while withholding access from Plaintiff, other developers, and users
20 and keeping them in the dark about these same x86 technologies. Consortium
21 Participants receive exclusive access to predatory design features with special
22 tools that allow them to partially mitigate some of the loss in performance to give
23 unfair advantages to their operating systems and centrally distributed services.

24 419. Some examples of such predatory design cases are the x86 multi-core
25 thread and management system, the pipeline execution system, and dark silicon.
26 Those designs claim to accelerate program execution by increasing parallel
27 programming and accelerating execution. In actuality, they prevent programmers
28 from implementing parallel programming, increasing security vulnerabilities that

1 cannot be mitigated, degrading performance for all users. Intel provides
2 Consortium Participants with the ability to partially mitigate a small portion of
3 this performance degradation.

4 420. Executing multiple program instructions simultaneously on multiple
5 CPUs can accelerate program execution. However, simultaneous execution of
6 CPU operations can only be performed on those instructions that do not rely on
7 the updating of memory values by previous instructions. When writing program
8 instructions, program designers take into account the dependencies between them
9 and can group them into segments that can be executed simultaneously on
10 multiple CPUs. Intel, however, as part of its predatory, degrading design effort
11 aimed at protecting Consortium Participant's products and services, has taken
12 away the ability of programmers to select which CPU a specific code segment
13 runs on. Instead, Intel has designed a complex, inefficient, energy-intensive, and
14 insecure mandatory mechanism that performs additional instructions in an
15 inefficient attempt to determine the dependency information known to the
16 program author at the time the program was written. The inefficient automated
17 CPU and thread allocation manager is designed to receive signals from exclusive
18 Consortium Participants operating systems, allowing Consortium Participants to
19 accelerate certain functionality in their products but preventing implementation of
20 parallelism from general programmers such as Plaintiff. The predatory design
21 binds consumers to Consortium Participants' products and services, thereby
22 significantly increasing the cost of computing across the entire economy. It also
23 gives Intel total control over entry to the x86 OEM market.

24 421. Intel's design of its x86 CPU allocation and thread management
25 semiconductor architecture is predatory by all means, as it is intended to force its
26 x86 customers dependency on Consortium Participants operating systems and
27 programming tools by mandating overhead, unnecessary energy consumption,
28 security flaws, and performance degradations on x86-based computers, including

1 Plaintiff. It also increases costs to Intel consumers, who are locked into a shorter
2 upgrade cycle as the computational power provided by their purchased products is
3 limited by design.

4 422. Intel predatory design that is done in collaboration with Microsoft.

5 Both companies are in violations of is in violation and courts orders. Intel agreed
6 to a consent decree on July 28, 2010;(244) and the FTC issued its decree on
7 October 29, 2010. (245) As to the product-design claims generally, the consent
8 decree required that Intel not make any engineering or design change to its
9 products if the change (1) degrades the performance of a product sold by a
10 competitor of Intel and (2) does not provide an actual benefit to the Intel product.
11 (247) The decree further put the burden of showing such a benefit on Intel. (248)
12 The FTC explained in a notice accompanying the proposed consent agreement
13 that merely showing "actual benefits" would be sufficient. (249).

14 423. Intel's predatory design includes an implementation of technologies
15 and form factor extensions to the x86 standard, which are exclusively available to
16 Consortium Participants using a redundant hardware interface to the x86
17 architecture USB. The design is incompatible with the standard form factor of
18 x86 consumers, preventing independent x86 programmers and users from
19 accessing it without the restricted, secretive hardware that Intel provides to
20 Consortium Participants. The interface that is available exclusively to Consortium
21 Participants gives them the ability to trace and debug x86 CPU operations, which
22 is essential for programming, debugging, optimizing, and securing programs for
23 x86-based computers. These predatory design changes consume a significant
24 portion of Intel's R&D design budget, occupy a significant portion of each device
25 purchased by Intel's customers, while degrading all aspects of x86 products for
26 consumers and giving an unfair advantage to the Consortium Participants as part
27 of the scheme to increase costs to consumers and eliminate competition by
28 Plaintiff and other programmers.

1 424. Intel is aware that the undue access that Intel grants to Consortium
2 Participants but withholds from x86 consumers, users, and developers like
3 Plaintiff, is being reverse-engineered by hackers and malicious software creators,
4 including state-level nefarious actors who can dedicate the resources to such
5 endeavors. These criminal actors use this access to create viruses, ransomware,
6 and security-breaching tools, which increases the demand for protection services
7 from Consortium companies.

8 425. With the Consortium coordination and under the Consortium undue
9 influence on AMD, the exact nefarious features, mechanisms, and exclusionary
10 acts were implemented by AMD in its own x86 devices with similar effects. This
11 prevents AMD from competing with products that could potentially mitigate and
12 provide remedy to consumers for this predatory design.

13 G. INTEL BREACH OF CONTRACT

14 426. During September and October of 2016, Plaintiff communicated with
15 Arrow Electronics, a general electronic component distributor who is also an
16 official Intel representative and distributor, regarding the purchasing of
17 components for a development project. After sharing information about his
18 technology and intended product, Plaintiff was surprised to receive a call from an
19 Arrow executive suggesting that Intel might be interested in collaborating to bring
20 Plaintiff's technology to the market using Intel x86 technology. As it turns out,
21 that suggestion was part of an elaborate scheme to prevent x86 independent
22 developers, such as Plaintiff from developing x86 capabilities that can compete
23 with the Consortium's revenue stream and risk the Consortium's hold on the
24 market. After suggesting a meeting with Intel about collaboration, and
25 participating in the first meeting, the Arrow Electronics executive withdrew
26 himself from further communication with Plaintiff.

27 427. A telephone conference meeting between Plaintiff and Intel executives
28 took place on Thursday, October 27, 2016 at 4:00 PM. Intel expressed interest in

1 collaborating with Plaintiff, in using Plaintiff technology to prepare a mobile
2 operating system for existing x86 technology and, in the longer term, using
3 Plaintiff technology with custom x86 devices that can offer advantages beyond
4 current standards. Intel agrees to collaborate with Plaintiff in bringing Plaintiff's
5 x86-based technology to the market by unifying computing and smartphone
6 functionality in order to maximize the value of Intel's x86 technology to
7 consumers.

8 428. Intel announced the discontinuation of its Atom processor line for
9 mobile phones in April 2016. During the October 27, 2016, conference call, both
10 Plaintiff and Intel made it clear that Intel will prepare an x86 processor and
11 modem for the system that Plaintiff will develop, ensuring full compatibility with
12 the x86 standards.

13 429. Both parties signed a mutual NDA (Non Disclosure Agreement)
14 (Intel's CNDNA NUMBER 004846) to provide Plaintiff access to crucial
15 development information and tools.

16 430. After a period that was used for preparations, studying Intel
17 development options, and establishing contacts, Plaintiff realized that Intel's
18 intentions were insincere and that Intel executives are not free to act in Intel's and
19 its customers best interests to maximize its profits. Instead of providing Plaintiff
20 with information about the various development programs that Intel made
21 available to Consortium Participants and other Intel partners and revealing the
22 x86 development tools that are not publicly known, Intel granted Plaintiff access
23 to individual documents by requests for approval while withholding from Plaintiff
24 access to the essential development tools available to Consortium Participants and
25 apparently even developers who do not challenge the Consortium, including
26 possible hackers. Communication with Intel resulted in ambivalent, noncommittal
27 responses and refusal to provide any level of development support.

28 431. Through external sources, Plaintiff discovered that Intel has built into

1 its x86 architecture a dedicated real-time debugging and reporting system of CPU
2 instructions and an internal operations design to provide developers with real-time
3 detailed reporting of the internal operation of Intel x86 devices to allow program
4 development, analysis, and debugging. Only special Intel devices, disclosed and
5 sold under Intel's CNDA, can utilize this feature. Despite signing the necessary
6 NDA, Intel never informed Plaintiff about the existence of such reporting
7 capabilities and devices. Upon discovering by chance the existence of x86 built-in
8 reporting, Plaintiff procured from Intel the necessary equipment to utilize the
9 built-in reporting system in accordance with the terms of Intel's CNDA-signed
10 contract, submitting his NDA contract information. Intel, however, prevented
11 Plaintiff from using these devices by blocking Plaintiff access to the support and
12 software that are necessary to use those capabilities.

13 432. After Plaintiff submitted detailed suggestions for further development
14 under the mutual nondisclosure agreement, as explained below, Plaintiff access to
15 information and support was cut with no explanation. Between 2016 and the
16 beginning of 2019, Plaintiff disclosed to Intel, under the terms of the mutual
17 nondisclosure agreement, a design and methods for smartphone communication
18 that rely on geographical positioning instead of stationary infrastructure. This
19 approach eliminates the need for stationary cellular infrastructure, leading to
20 significant savings for consumers. Plaintiff urged collaboration in bringing the
21 technology to the market. Intel informed Plaintiff that they shared the information
22 with their Modem division, but Intel did not follow up with further
23 communications.

24 433. After disclosing to Intel information about its intended design,
25 Plaintiff received confirmation that the information was received by Intel and was
26 shared with other Intel executives and with Intel's modem division. That was
27 when Plaintiff found out that Intel had blocked his access to its documentation.
28 The denial of Plaintiff's support request completely contradicted previous

1 agreements and communications.

2 434. In July 2019, Intel announced that it would sell a portion of its
3 modem division to Apple for about \$1 billion. This acquisition included Intel's
4 smartphone modem technology, talent, and patents related to 5G technology. In
5 October 2019, Apple unveiled the capability to track stolen iPhones through
6 Bluetooth, coinciding with the release of Apple's iOS 13. This feature was based
7 on the design and method that Plaintiff had disclosed to Intel under the
8 non-disclosure agreement. Intel then shared this design and method with its own
9 modem department, prior to the sale of the modem division's smartphone
10 segment to Apple. This new feature allows users to locate their devices even
11 when they're offline by leveraging Bluetooth signals from nearby Apple devices.

12 435. Arrow Electronics, Intel, and Apple actions highlight the complex
13 interplay of corporate strategy and anticompetitive dynamics within the tech
14 industry. Intel removal of its open x86 technology from the smartphone market,
15 despite its adherence to the Apple-Google centrally-locked non-open operating
16 system standard that maintained compatibility with existing Android mobile
17 applications, the decision by an Arrow executive to collaborate with Intel in
18 blocking projects that designed to bring back open standards to the smartphone
19 market and the sale of Intel's modem department to Apple at a financial and
20 technological loss despite against the most obvious business sense in a market that
21 is fast shifting from personal to mobile computing reflect the methods used by the
22 Consortium to safeguard its revenue streams against x86 independent developers
23 such as Plaintiff as well as against any technology that reduce cost to consumers
24 and hence could stop the Consortium gravy train. In reality, all executives and
25 managers in the industry invest in the Consortium companies' public shares and
26 benefit from such activities. They are aware to a certain extent about those
27 methods and support them with the knowledge that their careers are dependent on
28 that support.

1 436. Those actions not only reflect a desire to maintain market dominance
2 and protect the increase in share value of the dominant Consortium Participants,
3 such as Apple with its close applications, Microsoft with its exclusive personal
4 operating system for x86, cellular companies, and Internet service providers, but
5 also raise questions about the implications for innovation and competition that
6 impact the entire economy. Financial interests of Consortium Participants clash
7 with technological advances, and without antitrust law protection, they will
8 ultimately shape the future of technology to the detriment of consumers, the
9 economy, and national interests.

10 **H. H. RELATIVELY OPEN X86 STANDARD DESTRUCTION**

11 **VIOLATING 1950 CELLER KEFAUVER-ACT**

12 437. The x86 standard is widely used and is relatively open. However,
13 Consortium Participants both inside and outside Intel, including Microsoft and
14 other x86-dominant operating system providers, confine and limit x86
15 functionality and availability in an effort to lessen competition. To that end, the
16 Defendants purchased publicly traded shares by acquiring them in the stock
17 market or receiving them in exchange for services.

18 438. The goal of the Consortium Participants is to block, limit, and
19 interfere with the ability of Intel x86-based personal computers, servers, and
20 smartphones, programmers, and independent developers to create and market
21 features that reduce users' dependency on toll-based, centrally distributed
22 services, which are at the core of the Consortium's scheme. Such competition
23 from programmers and independent developers, which would have been made
24 possible by an open x86 standard, would have reduced the cost to consumers.
25 This, in turn, would have limited the appreciation of Consortium Participants'
26 publicly traded shares, an appreciation that depend on the increased cost to
27 consumers and the dependency of consumers on the services the Consortium's
28 Participants provide.

1 439. This Complaint details how the information service industry has been
2 manipulating semiconductor technology since the inception of
3 semiconductor-based CPUs and personal computing in the 1970s to limit
4 competition from independent companies. The PC industry violated antitrust law
5 by imposing an artificial division between software and hardware companies,
6 concealing the illegal tying that aimed to limit consumer functionality. As
7 semiconductor technology advanced, a growing disparity emerged between
8 competitive market forces and the limited functionality available on the market
9 due to illegal tying. This led the Consortium to suppress and destroy efficient
10 technologies and implement predatory designs in x86 devices, in addition to
11 illegal tying, in its continued effort to restrict consumers' use of x86-based
12 computing to protect its growing scheme.

13 440. The Consortium's ability to maintain its scheme, which has resulted
14 in the meteoric rise of Consortium Participants' share value and their executives'
15 windfall, hinges on its ability to control competitive market forces, which are
16 enabled and facilitated by the unavoidable advancements in semiconductor
17 technology. The Consortium concluded that advances in semiconductor
18 technology, which enable competitive market forces, necessitate the destruction
19 of the x86 standard and Intel itself.

20 441. The effort anticompetitive acts began at Intel in small steps, starting
21 with the firing of semiconductor engineers who resisted the implementation of
22 predatory design, the purging of employees who resisted exclusionary policies,
23 the destruction of competitive low-power and efficient technologies, the ousted of
24 Intel-qualified semiconductor experience professionals and the gradual poisonings
25 of Consortium Participants as Intel directors, officers, and managers. Defendant
26 Bryant was appointed as Intel's chairman in 2012, marking the culmination of the
27 Consortium's takeover. In an attempt to force Intel to outsource the
28 manufacturing of its devices and lose its market advantage, the Consortium

1 proceeded to destroy Intel's semiconductor manufacturing, weakening the x86
2 standard that supports independent programming, and aborting Intel's
3 x86-based smartphone product line. This was done to protect the Consortium's
4 establishment of centrally distributed computing and its normalization in the
5 smartphone market.

6 442. Prior to the takeover of Intel by the Consortium, two leading
7 Consortium Participants, Microsoft and Qualcomm, started a parallel coordinated
8 effort to weaken the x86 standard by introducing a line of computers that were
9 fraudulently misrepresented as containing a "Windows Processor" incompatible
10 with Windows and the x86 standards the Windows trademark implies. Microsoft
11 and Qualcomm's scheme was designed to compel Intel customers to abandon Intel
12 x86 products and use an inferior substitute that would lock them to Consortium
13 Participants operating systems and toll-based centrally distributed services offered
14 by Consortium Participants while preventing independent programmers, including
15 Plaintiff, from competing with Consortium Participants services. As part of the
16 Consortium takeover, Consortium Participants were positioned inside Intel to
17 prevent Intel from appropriately responding to this attack on its intellectual
18 property and customer base.

19 443. But a much bigger threat to the Consortium scheme's survival could
20 come from Intel itself, which could use its unique position, technology,
21 integration, and the widely used, relatively open x86 standard to go into direct
22 competition against the leading Consortium Participants. The potential that
23 becomes obvious with advancements in semiconductor technology is not limited
24 to Intel alone; that was why, supposedly, Intel approached Plaintiff and initiated a
25 purported collaboration on the development of a unified x86 mobile and personal
26 operating system. Intel, more than any company but not alone, has the potential
27 to significantly lower costs to consumers, solve security vulnerabilities, increase
28 efficiency and productivity for the entire economy, and remove impediments to

1 competition. Intel can increase its market share, revenues, and market capital
2 value, benefiting its shareholders, stakeholders, consumers, and the market as a
3 whole. However, such a move must rely on the transparent unification of
4 personal, business, and mobile computing, emphasizing the open aspects of the
5 x86 standard directly attaching the fragmentation and limits that Consortium
6 consortium depends on. It would end the Consortium scheme, which is based on
7 increasing consumer costs by restricting their ability to freely use their products.

8 444. Consortium Participants, both outside and inside Intel, purchase
9 shares in Consortium companies knowing that their past and future illicit actions
10 increase the value of their private investments. Then, to safeguard their scheme,
11 assets, and illicit gains, they engage in actions that hinder competition, such as
12 obstructing Intel's collaboration with Plaintiff and destroying Intel's technologies.
13 This is a violation of the 1950 Celler Kefauver Act, which forbids the purchase
14 of shares for the purpose of lessening competition, as the purchase of shares in
15 Consortium companies by Consortium Participants cannot be separated from their
16 acts of lessening competition as well as antitrust laws and the RICO statute.
17 Dismantling their anticompetitive practice is essential.

18 **I. CONCEALING CONSORTIUM'S INFLUENCE**

19 445. The Consortium leading technology companies, Microsoft, Apple,
20 Amazon, Nvidia, and Qualcomm, exorbitantly, market capitalization rise is a
21 direct result of withholding from consumers technological advancement in
22 personal and Internet-based computing that Intel and AMD are forced to deny to
23 x86 users. Intel, AMD, and the x86 standard are controlled and manipulated by
24 those companies to enrich those companies and their executives through public
25 ventures or as angel investors in technology companies that provide the withheld
26 technologies that make a windfall profit. The Consortium scheme finds
27 functionality that is important to x86 users, blocks it, and then forces people to
28 buy similar but less useful technology as a centralized, subscription-based

1 service. Participants in the Consortium accumulate and distribute the windfall
2 profits through three methods.

3 448. In the first method used by the Consortium companies that benefit
4 from the illicit activities carried out by the Consortium are bought by larger
5 Consortium Participants companies at exorbitant valuations justified by the
6 exclusivity and protection that they received from the Consortium.

7 449. In the second method used by the Consortium, such companies raise
8 capital from additional investors also at exorbitant valuations justified by the
9 exclusivity and protection that they received from the Consortium and are
10 groomed to become public companies, issue publicly traded shares, and are listed
11 on the indexes that are offered to index-based trade fund investors, where they
12 generate exorbitant profits for the index-based trade fund. Examples of such
13 companies are CrowdStrike and Smartsheet.

14 450. In the third method used by the Consortium, Consortium Participants,
15 who may include the index-trade funds as well as other investors, set up
16 partnerships that are designed to take advantage of the technological manipulation
17 the Consortium is engaged in to boost market segments that are protected by
18 manipulation of and undue influence on potential competitors. In some cases
19 those partnerships are bought outright by a Consortium Participant as payment
20 for illicit services.

21 J. UNNECESSARY AI POWER CONSUMPTION: MICROSOFT
22 AND BLACKROCK GAIIP

23 451. A third method case in point is the Microsoft and BlackRock
24 partnership that was created to invest in artificial intelligence (AI) infrastructure,
25 including energy. Known as the Global AI Infrastructure Investment Partnership
26 (GAIIP), it aims to establish a \$30 billion fund focused on building and
27 expanding data centers and supporting energy infrastructure to meet the growing
28 computational demands of AI technologies. The GAIIP initiative is expected to

1 mobilize up to \$100 billion in total capital when factoring in additional debt
2 financing. Key collaborators in the partnership include Nvidia and the investment
3 firm MGX.

4 452. The justification for the enormous investment in GAIIP that the
5 Consortium is making is the exclusivity that will result from the massive amount
6 of electrical power that, under current technology, is required to provide AI as a
7 centrally distributed service. The scale of the energy infrastructure for such a
8 project precludes any possible competition. Those excessive energy requirements
9 are the result of undue influence on Intel that force it to abandon low-power
10 semiconductor technologies such as Plaintiff's. It is the same advantage that
11 Amazon Web Services (AWS) and Microsoft Azure cloud services enjoy by
12 being able to provide exclusively massive computing that smaller companies
13 cannot. Providing online services even for a small operator requires massive
14 computing power due to a worst-case scenario design flaw in current computing.
15 This flaw is a result of the Consortium's manipulation of computing technology
16 across the entire industry.

17 453. At the core of the Consortium's ability to generate and distribute
18 exorbitant profits to its Participants is the protection from competition that stems
19 from the Consortium's manipulation of technology. As in the case of the Global
20 AI Infrastructure Investment Partnership (GAIIP), Microsoft and BlackRock have
21 a significant partnership to invest in artificial intelligence (AI) infrastructure. The
22 companies aim to establish a \$30 billion fund focused on building and expanding
23 data centers and supporting energy infrastructure to meet the growing
24 computational demands of AI technologies. The initiative is expected to mobilize
25 up to \$100 billion in total capital; the exclusivity and protection stem from
26 predatory design modifications to semiconductor architectures, which lead to
27 excessive electrical power consumption. Those predatory design modifications to
28 the semiconductor architectures are not limited to the x86 architecture at Intel and

1 AMD; they affect all current semiconductor architectures, as the semiconductor
2 industry in its entirety is controlled by the Consortium, resulting in a vast amount
3 of underutilized transistors. Semiconductor devices contain billions of transistors.

4 Their level of utilization determines the fate of the Consortium schemes.

5 Transistors can be combined and used in an infinite number of ways to achieve
6 various technological functions and design goals, which could either add
7 significant value to products or be used in a predatory design scheme to introduce
8 problems such as increasing costs and producing excessive heat with an
9 excessively large amount of electrical power consumption.

10 454. The consumption of unnecessarily large amounts of electrical power
11 makes the Global AI Infrastructure Investment Partnership (GAIIP) between
12 Microsoft and BlackRock attractive to investors. The Consortium manipulated
13 technology over more than three decades and suppressed low-energy
14 semiconductor technologies in order to stave off potential competition from
15 independent companies and developers such as Plaintiff. This manipulation led
16 the market to mistakenly believe that large-scale energy infrastructure, such as
17 the \$100 billion capitalization targeted by the Microsoft-BlackRock GAIIP
18 partnership, is an essential requirement for enabling large-scale AI or any
19 intensive computing.

20 455. Two Consortium companies that exorbitantly benefited with
21 unprecedeted appreciation of their value as a result of being associated with AI
22 are Microsoft and Nvidia. However, AI is not an intrinsic part of their
23 technology. Microsoft invests in OpenAI and leverages Microsoft's size and
24 dominance over x86-based computer users to dominate distribution of AI to
25 consumers, while Nvidia is among a few semiconductor design companies that
26 create parallel numeric processing devices suitable for AI processing. AMD is
27 another company that manufactures these devices, and if permitted to freely
28 compete in that market it have products that are in principle similar to Nvidia.

1 Intel which posses comparable technology may also produce them. Microsoft and
2 Nvidia take advantage of the excessive electrical consumption of current
3 semiconductor technology to maintain their relatively exclusive market position
4 and consequently their valuation. The destruction of low semiconductor power
5 technologies at Intel, carried out by Consortium Participants, enables them to do
6 this.

7 456. Continuing to manipulate the semiconductor technology in order to
8 maintain exclusivity over the distribution of AI to consumers is the only way
9 Consortium companies can carry forward the exorbitant valuation they enjoy.
10 Intel and AMD can more than make a dent in that scheme, but only Intel, thanks
11 to its design and manufacturing integration, can lead that change, which can be
12 helped by Plaintiff's technology.

13 457. As the largest shareholders of both Intel as well as AMD, who,
14 besides Intel, is the only other source of x86 devices and who is limited by Intel's
15 and Microsoft's anticompetitive restrictions on its designs, the index-based funds,
16 VanGuard, BlackRock, and State Street, exert control over Intel to protect and
17 carry on their scheme, which is reliant on the undermining of Intel's and AMD's
18 competitive advantages and hindering their x86-based customers' ability to
19 compete with the schemers' products and services. The destruction of Intel's
20 technology, especially low-power semiconductor technologies, carried out on
21 their behalf and under their oversight, enabled the GAIIP financial scheme, which
22 was designed to enrich Consortium Participants and further the Consortium's
23 objective of concentrating computational power in Consortium Participants hands
24 while withholding it from competitors such as Plaintiff.

25 K. THE CONSORTIUM GROUNDWORKS

26 458. During the 1970s, IBM began to safeguard its business against the
27 invention of VLSI technology and the development of the CPU, which allowed
28 independent developers to create personal computers that replaced much more

1 expensive devices. IBM was concerned that in a free market, VLSI technology in
2 the hands of consumers poses a significant risk to its profits from its dominant
3 line of computers.

4 459. Beginning in the 1970s, the inventors of modern personal computing,
5 particularly Allan Kay, Xerox Park's leader, educated Intel's founders and
6 executives, who were material engineers with no knowledge about computers and
7 the computing industry, about the competitiveness of their semiconductor VLSI
8 technology and its potential in the market. Intel, however, has chosen to avoid
9 the risk that introducing new product form factors to the market by a
10 manufacturing company entails and instead collaborate with IBM, which sponsors
11 the IBM x86-based computer and designs it to protect IBM's profitable business
12 model from competition. This decision, effectively an agreement to join a
13 protection scheme, provided Intel with the financial stability it needed to expand
14 with less risk, but it also limited its options by incorporating it into an antitrust
15 protection scheme that outlined its strategies and tolerance to infractions.

16 460. IBM successfully lobbied Intel and Xerox to prevent the release of a
17 computer based on the Xerox Park design, which was in many ways more
18 advanced than current computing. Software and hardware that allow secure
19 Internet communication between Internet subscribers and computers over
20 networks were invented at Xerox Park by the late 1970s and became public
21 domain in the 1980s. Over time manipulation and tying make it impossible for
22 Internet subscribers to communicate directly or even connect computers running
23 the same operating system side by side when one of the computers is running an
24 older version of the same software. Intel manipulated x86 peripherals using its
25 dominance over x86 OEMs and lobbied the cable and media companies to take
26 over the Internet service providers and restrict Internet access by tying its
27 products to their services. Microsoft and Intel lobbied companies such as Borland
28 International to discontinue more efficient DOS x86 programming tools and

1 software products that enabled more efficient programming than Windows-based
2 tools and required fewer hardware resources, resulting in increased costs to
3 consumers and the economy.

4 461. In 1981, IBM established the contractual structure between Intel,
5 Microsoft, and IBM that was designed to contain Intel's VLSI technology to
6 protect IBM's business from competition. It put the control over consumer access
7 to Intel's VLSI technology in Microsoft's and IBM's hands to make it possible to
8 control and limit consumer functionality. To hide the tying that was meant to
9 control consumer functionality and limit competition, it split the product between
10 three companies. This created an envelope around Intel that limited its growing
11 VLSI manufacturing capacity by controlling consumers' access to that
12 functionality. Consumer access to Intel's own functionality was taken away from
13 Intel in order to prevent Intel from empowering its customers and the economy
14 and monetizing its technology directly to safeguard the enormous profits from
15 IBM's computing products. The protection was enabled by tying in violation of
16 antitrust law, making a mockery of free market rules.

17 462. After structuring the tying and control over the Intel x86 PC in 1981
18 by positioning Microsoft as a gatekeeper that can limit the PC usage, IBM moved
19 to increase its influence on Intel by buying 12 percent of Intel's shares for 250
20 million dollars. By 1982, less than two years after the release of the IBM PC, it
21 made IBM Intel's largest shareholder. Intel agreed to IBM's demands to limit the
22 distribution of its own operating system, restrict information about its X86
23 devices, and make predatory design modifications to the X86 architecture, which
24 resulted, among other things, in a defect in its X286 devices that limits
25 programmers' ability to compete with IBM products. An inevitable conflict arose
26 almost immediately when Intel moved to build on its investment in VLSI
27 manufacturing with the development of a 32-bit processor that IBM refused to use
28 because it would have competed with IBM's larger computers. Intel moved to

1 collaborate with Compaq in bringing the 32-bit processor to the market, and IBM
2 lost its influence on Intel and its position in the market.

3 463. Microsoft's control of licensing for both manufacturers and
4 end-users "an unprecedented situation as no other product makers restrict their
5 usage beyond the established copyright fair use doctrine" gave it unparalleled
6 power over the market. Microsoft increases that power over time, collecting
7 revenue from manufacturers to end users. Intel, on the other hand, sold a
8 physical product, mostly to manufacturers, which limited its direct relationships
9 with end users and gave it less power and opportunity to influence consumer
10 behavior and monetize it as Microsoft has done. Both Microsoft and Intel,
11 identifying that dominance accumulates over time as companies must invest in
12 compatibility with their products, turn to predatory design to increase their
13 dominance and the ability to monetize it

14 464. As Microsoft gained market dominance, it also gained dominance
15 over Intel. It achieved this by positioning itself as the guardian of compatibility
16 and accessibility to the x86 that hardware and software makers must depend on.
17 Intel tolerated that position as it was used by the Wintel Cartel to increase its
18 executives profits by increasing costs to consumers, limiting competition to
19 Intel's advantage, and withholding functionality that was monetized as investment
20 opportunities and providing protection to database and information technology
21 companies, as in the case of withholding 32-bit programming tools from personal
22 users of the Intel 32-bit 386 processor for 10 years.

23 465. Around 1983, with the launch of Compaq Computers and other PC
24 clone makers, IBM lost its exclusive position in the PC market, and the "Wintel
25 Cartel" became the standard-setting bearer in the market. Microsoft and the
26 emerging Consortium supplanted IBM as the primary financial backbone that
27 enabled Intel's expansion. As IBM lost its exclusive position in the PC market,
28 the "Wintel Cartel" became the standard-setting bearer in the market. Microsoft

1 and the emerging Consortium supplanted IBM as the primary financial backbone
2 that enabled Intel's expansion. As PC clone makers increased their reliance on
3 Microsoft due to IBM's declining share of the PC and Intel's products, Intel
4 firmly committed to joining the Consortium to secure its financial stability.

5 466. By 1984, Intel's investment in manufacturing, following Intel's own
6 Moore's Law, brought Intel VLSI technology to a level that exceeded market
7 demand and expectations for hardware computational power. In 1985, Compaq
8 computers introduced the x386 32-bit processor to the market. The ability of Intel
9 to provide the market with lower-cost critical functionality replacements to the
10 most profitable computational products had to be contained by an industry that
11 became dependent on holding back Intel technology in order to protect its profits.
12 That conflict has culminated in 2012 with the effective takeover of Intel by the
13 Consortium.

14 467. With the release of Windows, the Microsoft software that was being
15 tied with the x86 processor, bounding the market to Microsoft, became a
16 bottleneck that prevented the computational power available on Intel x86
17 processors, demanded by consumers and essential for the economy, from being
18 used by x86 computer users. Since 1985, when Intel released its 32-bit x386 to
19 the market, until today, Intel's investment in manufacturing and design has made
20 it possible for Intel to use the unused computational power in its products in the
21 form of transistors and design capabilities to replace Microsoft's limited and
22 flawed software with more efficient, secure, and capable hardware and firmware
23 provided by Intel itself. Technology that exists in Intel but is being withheld from
24 consumers.

25 468. Intel x86 business users were forced to wait for 8 years, from 1985,
26 when the x386 32-bit was released, to 1993, when Microsoft Windows NT 3.1
27 became the first Windows operating system to be able to use 32-bit programming
28 on their x86 computers. Personal users of Intel PCs had to wait 10 years until the

1 1995 release of Windows 95 to access the x86 32-bit capabilities.

2 469. As the Wintel Cartel acquired dominance over the new industry, the
3 Wintel Cartel gains the influence that IBM tried to gain with its investment in
4 Intel. The Wintel Cartel moved to destroy its competitors and coordinated
5 anti-competitive policies, establishing a pattern that, over time, grew to impact
6 the entire economy, including Internet Service Providers and smartphones
7 makers. Index-based funds and dominant technology companies have taken over
8 the Wintel Cartel scheme, which has expanded beyond personal computing. It
9 eventually impacted the entire market but is still dependent on the control of
10 VLSI technology and, as a result, is still focused on Intel.

11 470. As the Consortium developed its profiting formula, positioning
12 multiple initial public offerings enabled by its members' exclusionary and
13 protection acts, Intel's priorities changed from innovation to anticompetitive and
14 protection, with its design's primary aim to provide protection that carries on the
15 Consortium's scheme.

16 471. Through the years, the growing gap between Intel's products potential
17 computing power, which came from the huge investments it made in its
18 manufacturing capabilities that resulted in matching increases in the transistor
19 count in its devices, and the limited amount of computing power that the
20 Consortium made available to x86 users created tension that finally broke at a
21 few key points.

22 472. After a meeting between Intel CEO Andrew Grove and Jerry Kaplan,
23 the designer of a popular software product named Lotus' Agenda and the founder
24 of a well-funded start-up, Go Corporation, Intel agreed to invest in Go
25 Corporation and provide it with access to its semiconductor powers. The
26 Consortium response was abrupt. Bill Gates demanded that Intel cancel its
27 investment in and withdrew its collaboration with Go Corporation. Intel complied
28 according to testimony and a letter from Microsoft's Bill Gates to Intel's CEO,

1 Andrew Grove. This letter was discovered in the 1998 case, Gov. v. Microsoft,
2 but it was actually written after the fact to conceal the blackmailing aspect in that
3 communication.

4 473. In the same 1998 Gov. v. Microsoft case, a testimony by an Intel
5 engineer revealed the removal of graphics functionality that was designed to
6 optimize X86 displays. The functionality was removed after Microsoft CEO, Bill
7 Gates, demanded it from Intel CEO, Andrew Grove, reasoning that such
8 functionality "belonged" to Microsoft. Grove apologized to the engineers who
9 designed and implemented the architectural optimization, saying that he was not
10 in a position to say no to Bill Gates. The word "belong" that Gates used
11 indicated the existence of an unofficial agreement going back to the establishment
12 of the relationship between Microsoft and Intel that defined the division of the
13 influence sphere and the illegal tying between the company's products. To
14 illustrate the effect and the legal implications of the removal of that optimized
15 design from Intel's x86 architecture, consider an imaginary scenario where Ford
16 engineers have designed and integrated a device into their cars that increases
17 power while reducing fuel consumption and simplifies maintenance, and the CEO
18 of Exxon would reach out to the CEO of Ford, insisting on the removal of this
19 design, as it may have a negative impact on Exxon's financial performance. In
20 response, Ford would comply with this demand.

21 474. In 2009, Intel's chief technology officer, Pat Gelsinger, who later
22 served as Intel CEO, was pushed out of the company by the board and Intel's top
23 executives after attempting to dedicate some of the available transistors to
24 functionality that would compete with a Consortium Participant, Nvidia In 2024,
25 Gelsinger, who had returned to Intel as CEO, was pushed out of the company for
26 attempting to avail Intel's VLSI technology to competitors, including Plaintiff,
27 that intended to challenge the same Consortium Participants with competitive
28 products.

1 475. In 2009, the Consortium came to the conclusion that Intel's increasing
2 capacity to empower the market was in direct conflict with its plan. The ability to
3 make billions of transistors available to x86 users, combined with technologies
4 such as Plaintiff's, could make the Consortium companies' exclusive products
5 and services less relevant and endanger their survival. The Consortium would
6 have lost its source of power and profits as it would lose control over users
7 information and behavior. Intel's computational capacity and design cannot be
8 withheld without destroying Intel's ability to implement and monetize it.

9 476. With the mission to destroy Intel's ability to implement and monetize
10 those capabilities in order to save the Consortium, Defendant Andy Bryant was
11 installed by the Consortium as Intel's board of directors chairman in 2012 and
12 proceeded to execute the Consortium goals, weakening Intel semiconductor
13 manufacturing technology.

14 L. THE CURRENT STATE OF TECHNOLOGY AND IMPASSE

15 477. Antitrust and racketeering violations that have taken place at Intel and
16 its business relations were common in American companies since the
17 modernization of the economy with mechanized transportation and energy
18 distribution that necessitated the enactment of antitrust law. These violations lead
19 to catastrophic consequences, some of which, as outlined below, have gone
20 unnoticed. When cutting-edge technologies that move society forward are
21 illegally altered in order to harm competition, it hurts the free, competitive
22 economies that create those cutting-edge research and technologies. It makes free
23 economies vulnerable to unfair economic competition from oppressive societies
24 that take advantage of the weaknesses introduced by the illegal manipulation of
25 cutting-edge technologies and their own exploitative forms of labor that can be
26 used for low cost manufacturing as well as reverse engineering with disregard for
27 intellectual property rights to gain an economic advantage with dire implications
28 for the U.S. work force, innovation, and the economy as a whole. These illegal

1 practices undermine a competitive free market, causing irreversible long-term
2 damage and destroying the very industries that once thrived on the principles of
3 free competition. The details of the suppression of U.S. electric cars and battery
4 technology outlined below demonstrate this.

5 478. The type of violations that Intel's officers and directors and
6 Consortium Participants engaged in started prior to the 1981 release of the IBM
7 PC, which established the x86 as the prevalent market standard. Under the cover
8 of rapid advancement in technology, egregious antitrust violations that dominated
9 the U.S. major industries were carried on with minimal compliance with
10 insignificant enforcement despite unambiguous laws, court decisions, and
11 regulations.

12 479. The violations by past and present Intel's officers and directors and
13 Consortium Participants outside Intel alleged by Plaintiff in this action on behalf
14 of himself include: aiding and abetting in implementing exclusionary and tying
15 policies to lessen competition; destruction of Intel's advance technologies
16 including low-power semiconductor technologies; implementation of predatory
17 design modifications to the x86 architecture; conspiring to weaken the x86
18 architecture; misleading Plaintiff and breaching Intel agreement with Plaintiff in
19 order to block Plaintiff's technology from competing in the market; destruction of
20 corporate assets; and in taking those actions as a part of a vast conspiracy with
21 officers and directors of companies they protect from competition in violation of
22 antitrust and racketeering laws to enrich themselves from their investments in
23 the companies they protect and further their beneficial relations with those
24 companies. Plaintiff makes these allegations with firsthand personal knowledge.

25 480. The communication that have taken place between officers of
26 companies involved in antitrust coordination conspiring to lessen competition,
27 introduce predatory design, and increase cost to consumers were not unlike a
28 telephone call made in February 1981, in which American Airlines CEO, Robert

1 Crandall suggested to his counterpart in Braniff Airline to raise the price of their
2 flights. Crandall was arrested by the FBI for violation of antitrust law. The DOJ
3 however made its position regarding such breach of law clear by agreeing to give
4 Crandall a slap on wrist, signaling to industry captains that coordination between
5 companies of policies designed to limit consumer choices and increase products
6 cost will not be investigated and prosecuted.

7 481. Antitrust schemes between dominant companies, like those that were
8 carried on within the Wintel Cartel and then extended to markets exposed to
9 computing and the Internet, date back more than a century to the practices that
10 initiated the U.S. antitrust laws. They typically focus on critical consumer
11 consumable besides food, such as those associated with local monopolies,
12 utilities, and public regulations. Energy, transportation, communications, and
13 computation are central to those practices. The Standard Oil scheme, which
14 involved the railroad industry, led to the enactment of Sherman Act antitrust law.

15 482. In the early 1900s, Thomas Edison's company, Edison Electric,
16 created technology that necessitated local electrical generation. It ran into a
17 conflict with J. P. Morgan, who schemed to protect his monopolies and
18 oligopolies control of national distribution of gas, transportation, and metals and
19 favored technologies that impede local generation and electrical transportation and
20 required national-scale investments in cooper and vast public energy
21 infrastructure design to concentrate power over distribution and pricing. Laws
22 requiring the combined use of gas and electricity were enacted, burdening
23 consumers with higher cost and resulting in fatal fires that led to years-long
24 delays in the electrification of numerous localities. Under financial manipulation,
25 Edison was forced out of his own company. Edison Electric became General
26 Electric, and the destruction of private and public local electrical generations and
27 electrical transportation that ensued lasted more than half a century and is
28 impacting negatively national standards, regulations, and availability of

1 technology to this day. The "War Of The Currents" that included a war over
2 transportation that was carried out between Edison and Morgan is only now being
3 won by Edison's DC (Direct Current) and electrical transportation, after more
4 than 100 years of catastrophic climate and economic harm. A century of market
5 dependency on monopolistic central control of energy contributed to the Great
6 Depression and to most economic maladies since. It also impeded innovation with
7 significant delay in bringing advanced technologies to the market. It delayed
8 research that resulted in semiconductor innovation by decades and the
9 resurrection that resulted in renewable electrical generation by a century.

10 483. In 1996, top executives of Exxon Oil, Chevron Oil, and General
11 Motors schemed to remove a scientific breakthrough in battery technology that,
12 given time, would allow electric cars to compete favorably with gasoline cars.
13 The material technology breakthrough that could be applied to all kinds of
14 batteries was being implemented in nickel hybrid batteries. General Motors
15 removed their electric cars from the market while collaborating with Exxon and
16 Chevron to remove the Ovonic Battery Company technology. Ovonic Battery
17 developed nickel metal hydride (NiMh) battery breakthrough technology.
18 Executives from Exxon, Chevron, and General Motors coordinated the removal
19 of the technology from the market after receiving an assessment that competitive
20 electric cars with similar ranges to gasoline cars and significant economic benefits
21 to consumers and the economy can be made within a few years using the new
22 advanced materials in batteries. Their actions stopped the availability of more
23 economical and safer battery technology that started in the U.S. during the 1980s
24 and 1990s, pushing green energy development to foreign countries that focused
25 on lithium-based batteries and moved foreign companies to the forefront of
26 hybrid and electrical car manufacturing. Only in the last few years has American
27 industry been catching up with foreign companies, focusing again on NIH as a
28 safer and more economical alternative to lithium that famously started fires on

1 Boeing airplanes. GM and Exxon schemes induced thirty years of delay and
2 losses with untold damage to the American economy and consumers and put the
3 American car industry at risk.

4 484. During the 1990s, the Consortium, led by financial and technology
5 executives motivated by their stock market enormously profitable scheme, moved
6 to suppress Intel's low-power semiconductor technologies in order to monopolize
7 computation as central services under their companies control by preventing the
8 relatively open x86 hardware and software standard from competing in the mobile
9 computing market. The action was designed to shield Qualcomm, Apple, and
10 Google from x86 developers such as Plaintiff that could be enabled by advances
11 in Intel's semiconductor technology to compete in the mobile computing market
12 on a massive scale. The suppression of Intel low-power technologies and their
13 removal from the market by independent companies resulted in the transfer of
14 mobile computing hardware dominance to foreign companies. Qualcomm lost its
15 primary position to Chinese companies, and no significant mobile technologies
16 are currently being manufactured in the U.S.

17 485. A significant number of hardware and software companies with
18 technologies and products that reduced costs for consumers and challenged
19 dominant PC companies with competitive products were removed from the
20 market in a coordinated violation of antitrust law and financial regulations by the
21 Consortium. Intel removed a significant number of these companies and
22 technologies from the market. It took place despite conspicuous observation that
23 it deprived American industry and consumers of essential efficient technologies
24 and that the elimination of competition in the U.S. enabled the rising of
25 competitive products outside the U.S. and put foreign companies in control of
26 significant parts of the U.S. economy.

27 486. During the 1980s and 1990s, Plaintiff's calls to the DOJ antitrust
28 division to report such acts went unheeded. In one such phone conversation, a

1 DOJ antitrust division lawyer conveyed to Plaintiff the DOJ's stance at the time:
2 "It is their product, and they have the right to do anything they want with it." By
3 the time the DOJ took action at the end of the 1990s, dozens of companies and
4 their more efficient technologies had vanished from the market, and inefficient
5 standards, which were costly to consumers and the economy, had become so
6 entrenched that the action effectively had no impact.

7 487. The stifling of competition in the U.S. enables American technology
8 companies to coerce consumers into adopting inefficient technologies while
9 simultaneously destroying more efficient ones that would otherwise save
10 consumers' costs. This destruction makes the U.S. economy less competitive and
11 less productive, allowing foreign companies to replace U.S. companies. The AI
12 sector is currently experiencing a similar pattern, where the loss of low-power
13 semiconductor technologies and the destruction of Intel's competitiveness detailed
14 in this Complaint enabled Chinese companies to reach AI performance levels
15 similar to those of American companies, at a fraction of the investment American
16 companies have made. They do it by leveraging proven models to reduce their
17 research and development cost, while exploiting the inflated pricing that results
18 from the protection scheme the Consortium orchestrated to expand their market
19 share both within and beyond the American sphere of influence.

20 488. Recently a Chinese startup, DeepSeek, released a new AI model that
21 rivals OpenAI's. Such leapfrogging has taken place in numerous technologies,
22 from electric cars to cellular wireless communications. It is only possible because
23 the cutting-edge research and creativity spawned in the free-thinking American
24 market is packed into manipulated products designed to control usage and
25 distribution. In the case of AI, the blatant centralization of distribution by the
26 destruction of low-power semiconductor technologies does enrich Consortium
27 Participants participating in a stock market run but leaves the American economy
28 holding an empty bag.

1 489. Only a competitive marketplace can stop foreign companies from
2 taking over advance technologies. After the destruction of AMD's semiconductor
3 manufacturing removing the Consortium control over Intel is the only thing that
4 can prevent the loss of massive computation and AI to the U.S. economy that
5 would repeat the loss to the U.S. economy in other industries. Intel is critical to
6 the ability of the U.S. to remedy that situation, as companies such as Nvidia and
7 OpenAI are limited to a narrower design range that is segregated from the
8 physical effects behind their technologies.

9 490. Propaganda campaigns that disseminate false technical and scientific
10 information always support the industry's nefarious agendas. Common to all
11 those hidden agendas is a predatory effort to justify an increased cost to
12 consumers. A number of misleading concepts supporting predatory agendas go
13 back to the origin of the IBM PC and the founding of the Wintel Cartel. They
14 include: (a) the artificial separation between hardware, software, operating
15 systems, and applications. (b) The false justification of complexity and lack of
16 modularity between parts of operating systems. (c) False misconceptions about
17 computing efficiency, power consumption, and computational models falsely
18 claim higher power consumption than necessary. (d) The misleading arguments
19 for the separation of the x86 architecture from the smartphone market. (e)
20 Artificial fragmentation between various types of hardware models, such as
21 programmable hardware (FPGA) and general computing processors. (f) Artificial
22 separation between general programming tools and EDA (Electronic Design
23 Automation) as well as (g) misconception about the need for outsourcing and
24 high-skill labor. Artificial fragmentation were designed to hide illegal ties that are
25 used to restrict and control computing product usage and raise their cost. Those
26 campaigns help hide predatory design by making its effects seem like an
27 unavoidable part of the technology, like the notion that massive computing and
28 AI require an extremely high level of power.

1 M. MICROSOFT

2 491. Both Microsoft and the Consortium have as their primary objective
3 the development and application of predatory technologies that enable the
4 imposition of costly fees on routine operations. Those fees are in the form of
5 centrally distributed toll-based services. Microsoft and the Consortium use
6 “predatory technologies” to keep those services safe from products and
7 technologies that could make people less reliant on toll-based services and lower
8 prices for customers. Paragraphs 502 and 503 at the end of this section detailed
9 how Microsoft uses predatory design to accomplish those objectives and provide
10 such predatory design to other Consortium Participants. Microsoft and the
11 Consortium use these methods in tiny doses to conceal their cumulative impact,
12 which raises customer costs over time by thousands of percent. In the Microsoft
13 and Consortium system, the consumer represents a living frog undergoing
14 cooking. As the heat gradually increases, the frog remains in the saucepan and
15 eventually cooks. The frog would have leaped out if the temperature rose too
16 fast. By letting other Consortium Participants to control, degrade, and lessen
17 competition for products consumers purchased or leased, Microsoft preserves its
18 dominant position inside the group, in efficient technologies and x86 design
19 element extensions and improvements that would have significantly lower costs to
20 consumers and empower consumers by ending their dependency on the
21 Consortium’s centrally distributed services. creation of mostly unnecessary
22 electrical generation capacity that would be provided to Consortium Participants
23 that currently maintain defiance of the 1936 Supreme Court’s clarification of the
24 1914 Clayton Act, as detailed below.

25 492. As outlined below, Microsoft maintains its position as the biggest
26 beneficiary of the Consortium’s illicit activities by employing predatory design in
27 its own products while working with Intel to incorporate matching predatory
28 design elements into the x86 architecture. These predatory design features and

elements hinder the x86-based computer's overall performance for all users in order to give Microsoft products an unfair competitive edge. These predatory design features and elements eliminate competition from more efficient products and technologies, forcing consumers to depend on Microsoft and the Consortium's centrally distributed products. The resulting increase in consumer and economic costs significantly increases the Consortium Participants' profits and market valuation. BlackRock's and other Consortium Participants' undue influence over Intel is crucial to Microsoft's and the Consortium's scheme profitability and survival because it is used to force Intel to stop x86-based computers from running more efficient technologies that would have replaced Microsoft products in a free, competitive market. It is also used to force Intel to remove and hold back its own more exclusive ability to provide AI as a service as a result of the destruction of Intel's low-power technologies. This collaboration, known as the Global AI Infrastructure Investment Partnership (GAIIP), aims to establish a \$30 billion fund focused on building and expanding data centers and supporting energy infrastructure to meet the growing computational demands of AI technologies. The initiative is expected to mobilize up to \$100 billion in total capital when factoring in additional debt financing..

494. Microsoft maintains a strategic business relationship with another index-based fund, State Street, which owned a large block of shares of Intel and AMD. The relationships primarily focus on cloud and technology solutions, remunerating State Street for its influence and interference with Intel. State Street utilizes Microsoft Azure as a platform to modernize its infrastructure and enhance its services. This collaboration supports State Street's Charles River Investment Solution and other business operations by leveraging the unfair advantages that enable Azure's advantages in scaling of centrally

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1 semiconductor manufacturing, removing the Consortium control over Intel is the
2 only thing that can prevent the loss of massive computation and AI to the U.S.
3 economy that would repeat the loss to the U.S. economy in other industries. Intel
4 is critical to the ability of the U.S. to remedy that situation, as companies such as
5 Nvidia and OpenAI are limited to a narrower design range that is segregated from
6 the physical effects behind their technologies.

7 490. Propaganda campaigns that disseminate false technical and scientific
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13 systems, and applications. (b) The false justification of complexity and lack of
14 modularity between parts of operating systems. (c) False misconceptions about
15 computing efficiency, power consumption, and computational models. (d) The
16 misleading arguments for the separation of the x86 architecture from the
17 smartphone market. (e) Artificial fragmentation between various types of
18 hardware models, such as programmable hardware (FPGA) and general
19 computing processors. (f) Artificial separation between general programming
20 tools and EDA (Electronic Design Automation) as well as (g) misconception
21 about the need for outsourcing and high-skill labor. Artificial fragmentation were
22 designed to hide illegal ties that are used to restrict and control computing
23 product usage and raise their cost. Those campaigns help hide predatory design
24 by making its effects seem like an unavoidable part of the technology, like the
25 notion that massive computing and AI require an extremely high level of power.

26 493. Microsoft and BlackRock maintain extensive circular relations that
27 are based on the extinguishing of technologies that would have lower costs to
28 consumers by empowering them with better technologies that would have freed

them from their dependency on needless Consortium's centrally distributed services. As part of those relations, the two companies have entered into a partnership aimed at taking advantage of the destruction of Intel's low-power technologies. They do that by investing in electrical power generation infrastructure, serving the Consortium's centrally distributed computational services. These efforts are a part of state street's broader technology strategy, which, when combined with the Consortium's long-term objectives, gives state street a competitive advantage based on its influence on Intel.

495. the vanguard group owned approximately 665 million shares of Microsoft, which is about 9 percent of the company. this makes vanguard a major beneficiary of Microsoft's unprecedented rise in market share and valuation, which largely depends on the protection and unfair advantage Intel provides to both Microsoft and the Consortium. The ability of Microsoft to provide that protection largely depends on Intel. By volume, Vanguard is likely the largest non-technology Consortium, and with State Street and BlackRock, they hold the largest block of Intel shares. As a Consortium Participant Vanguard is less visible and influential than BlackRock with its investment initiatives and its direct involvement in Intel management, but its tacit collaboration in the control of Intel and its conflict of interest as a beneficiary of Intel's demise resulting from that control cannot be ignored.

496. Both Microsoft's operating system and Intel's modifications to its x86 architecture feature a predatory design that blocks program's direct access to the x86 CPU to hinder the creation of efficient parallel programs that could utilize the multiple CPUs available on x86-based computers for efficient parallel operations. Microsoft's operating system, however, has sole access to an inferior Intel x86 architectural interface and thread management that provides Microsoft an unfair competitive unfair advantage by allowing Microsoft products to partially compensate for that obstruction.

1 497. Microsoft is the largest provider of toll-based online services and
2 applications that replace x86 functionalistic that are being blocked by Intel from
3 running on x86-based computers, therefore preventing competing technologies
4 and products such as Plaintiff from running on the x86 architecture for which
5 they were designed.

6 498. Microsoft's extraordinary revenue and valuation increase is the direct
7 result of the Consortium's continued manipulation of Intel. The Consortium is
8 forcing Intel to provide Microsoft with (a) sole control over the x86 architecture,
9 (b) unfair access to x86 architectural elements that give Microsoft products an
10 unfair competitive advantage, (c) the destruction and removal from the x86
11 architecture of efficient Intel technologies and architectural elements that in a free
12 market would have replaced Microsoft's products and empowered consumers and
13 the economy by lowering costs and freeing consumers from reliance on central
14 services that are at the heart of Microsoft's growth, (d) maintaining x86
15 architecture's flaws and vulnerabilities that force users to buy otherwise
16 unnecessary Microsoft and Consortium's products and (e) preventing competing
17 products such as Plaintiff's from running on x86 systems.

18 499. Microsoft is currently engaged in an attack on the x86 open standard
19 with an attempt, which seems to have failed until now, in partnership with
20 another Consortium leader, Qualcomm, to create an exclusive non-open
21 custom-built x86 that will allow Microsoft to adapt the illegal business model of
22 the main smartphone operating system providers, Google and Apple, and restrict
23 as well as monetize applications that will run on its Windows operating system by
24 mandating that all programs that run on the Windows operating system will be
25 accepted and distributed by its own application store.

26 500. This Complaint details more than four decades of suppression and
27 destruction of competing superior technologies and products. Over those four
28 decades, the disparity between technologies that are banned by Intel and

1 Microsoft from accessing the market and the products that are currently available
2 to consumers has widened to extreme levels. Microsoft products are inefficient,
3 inherently insecure, require unnecessarily large hardware resources, are
4 failure-prone, frequently require unpredictable time-consuming updates, lack
5 redundancy backup, and compel users to depend on costly remote service.
6 Microsoft and its stakeholders are aware that their continued market dominance
7 depends on the uneven playing field protection Intel and AMD are forced to
8 provide and that better existing technologies jeopardize the survival of the
9 company and its objectives.

10 501. Microsoft's abuse of x86-based computer users by misapplying the
11 Windows trademark to products that are designed to be incompatible with
12 Windows and block non-Microsoft products from running on personal computers
13 is described in this Complaint, section A. CPU, SOFTWARE AND
14 TRADEMARK FRAUD, page 127.

15 502. Microsoft is actively designing and implementing in its Windows
16 operating systems predatory code that blocks functionality and cripples
17 non-Microsoft products running in Windows operating systems. In one such case,
18 programs, including Plaintiff's programs that must be run in an older version of
19 Windows because of incompatibility that was introduced by Microsoft in newer
20 versions, were run on an older version of Windows within a Microsoft Windows
21 virtual machine. The program's inability to reach the Internet and communicate
22 with the host machine rendered it useless. However, Microsoft products running
23 at the same time in the same virtual machine are able to connect to Microsoft web
24 pages over the Internet. The difference in the program's behavior is direct proof
25 that Microsoft implemented code made just for stopping non-Microsoft programs
26 from communicating with the host machine hardware, even though the settings
27 were supposed to let them and indeed allow the Microsoft product to
28 communicate.

1 503. Microsoft grants access to its predatory design to other Consortium
2 Participants, enabling them to illegally control product usage and reduce
3 competition through the Windows operating system, in violation of the 1936
4 Supreme Court ruling. In one such case, HP (Hewlett-Packard), which is selling
5 printers that require ink cartridges to print, sold consumers an inkjet printer for
6 which a third-party company supplied matching ink cartridges. Consumers, aware
7 that they could purchase and use matching ink cartridges from a third party,
8 purchased the printer. After using the printer for a while with the third-party ink
9 cartridges, HP used the predatory design feature in the Windows operating
10 system to replace part of the software that provides communication between
11 programs and the printer with software that identifies the third-party ink cartridge
12 and stops the printer from printing in an attempt to force the printer owner to
13 purchase HP-made cartridges. The parallel between HP's action and Microsoft's
14 enablement of lessening competition in an effort to prevent computer and printer
15 owners from using third-party supplies is a direct parallel to IBM's actions that
16 were found to be illegal in the Supreme Court 1936 ruling.

17 N. AMAZON

18 504. Amazon's extreme size, its dominance, its exclusivity, and the high
19 profit margins its online services generate are the direct result of the protections it
20 obtains from the manipulation of Intel and the x86 technology.

21 505. Intel's x86 technology governs Internet server utilization, and the
22 limitations imposed on x86 architecture by both Intel and AMD made the rise of
23 Amazon possible. Before the advent of smartphones, the majority of consumers
24 made online purchases using Intel and AMD's x86 technology. Smartphones
25 currently account for 72% of all online purchases, a market that the Consortium
26 forced Intel to abandon. Less than 28% of online purchases utilize x86
27 technology, but the unfair advantage Amazon enjoys stems from the impact the
28 Consortium manipulation has on the utilization of x86 servers. Intel and x86

1 technology dominate the server market, but the Consortium also enforces similar
2 limitations not only on x86 architecture at Intel and AMD but also on companies
3 that use the alternative ARM architecture, like Marvel and Ampere, which it is
4 dominating. To enforce the same limitation on non-x86-based servers, Oracle
5 took control of Sun Microsystems, an independent server company that was in a
6 position to further optimize server technology when it was taken over, as well as
7 Ampere, a non-x86 server company that was started by a former Intel executive.

8 506. In a free market devoid of the Consortium manipulation of Intel and
9 the x86 technology, the utilization and availability of the Internet would have
10 optimized and lowered the cost of marketing paths between manufacturers,
11 sellers, and consumers. The manipulation of x86 technology is giving Amazon an
12 unprecedented unfair advantage in online marketing that is based on its size while
13 impeding the rest of the market resulting in an increase cost to a significant
14 portion of the economy. One recent unfair market advantage that Amazon is
15 receiving from the Consortium is the blocking of relatively open x86 standards
16 from participating in the smartphone market, which allows Consortium
17 Participants to capture and redirect the behavior of online consumers. This
18 advantage strengthens the initial and fundamental protections the Consortium
19 provides that drive Amazon's growth and exclusivity from its inception. The
20 Consortium's manipulation of x86 architecture increases power consumption,
21 while the manipulation of x86 servers form factor makes it more difficult and
22 expensive for companies that to support their own online server operations.
23 Predatory design and modifications made by Intel to the x86 architecture and
24 operating system, along with the tying and exclusionary acts that go with them,
25 make it too expensive for businesses to provide flexible, scalable remote
26 computing that is needed for online service provision to consumers. The
27 elimination of programmatic control over CPU allocations and direct control over
28 CPU operations has left the handling of worst-case scenarios associated with

1 online server operations dependent on costly infrastructure and unreliable,
2 expensive software, necessitating significant maintenance and infrastructure that
3 make competition with Amazon impossible.

4 507. Amazon built its business model around the protection the
5 Consortium granted it. Amazon achieved this by merging its online services with
6 its AWS (Amazon Web Services) platform, thereby leveraging its size to gain an
7 artificial advantage in the marketplace. It supported the Consortium's objective of
8 replacing autonomous consumer computing with centralized subscription-based
9 services for decades, working with a "dump-level" profit margin to capture
10 market share. Manipulation of the x86 architecture and servers left retailers and
11 most companies dependent on a few massive central computing service providers,
12 enabling Amazon to charge businesses that use its services 40 percent of their
13 receivables. This effectively taxed consumers and economies at a higher rate than
14 any government tax used to cover the cost of essential services and is a direct
15 result of the suppression of competitive technologies, including Plaintiff's, by
16 Intel.

17 508. Retailers are being forced to use Amazon's exorbitantly-priced online
18 selling service by a intentional predatory design flaw in the x86 architectures that
19 prevents online servers from providing scalable service that can dynamically
20 support a sudden increase in the number of clients accessing their server
21 simultaneously. The same design flaws increase the vulnerability of small-scale
22 services to DOS (Denial of Service) attacks carried out by illicit operators over
23 the web, as well as false access to advertisements by unscrupulous competitors.
24 These flaws benefit the Consortium by increasing the cost of autonomous
25 computing for consumers and the market as a whole, thereby promoting centrally
26 distributed computing. Despite the fact that the original x86 standard provided
27 programmers with control and facilities for optimal and cost-effective scaling
28 when the architecture was updated to provide multi-core devices, Intel

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1 implemented changes that prevented direct programmatic CPU selection. With
2 that limitation, the tying of operating systems that limit functionality and mandate
3 unnecessary overhead and exclusionary acts that limit Plaintiff access to essential
4 x86 resources is Intel inflicting significant harm on Plaintiff and its clients while
5 serving the Consortium and protecting Amazon.

6 509. Although the cost of raw computing power for x86-based computers
7 is extremely low, the Consortium's restrictions on how x86-based computer and
8 server owners can use their computers and the blocking of competing, more
9 efficient technologies and products, including Plaintiff's, from accessing the
10 market increase the cost of online services and the infrastructure it requires. This
11 imbalance in the market renders online marketing economically unfeasible for
12 small businesses, as it imposes exorbitant tolls based on monopolization and
13 centralization, which lack economic justification. Retailers are forced to rely on
14 Amazon for online marketing, even though the cost of doing business through it
15 can potentially account for as much as 50 percent of their total revenues. The
16 Consortium compels Intel to implement predatory design and practice and
17 withhold the computational power of its products from developers such as
18 Plaintiff to create and maintain that uneven market. Consortium Participants
19 obtain their influence and control over Intel by purchasing publicly issued shares
20 to lessen competition in violation of the Celler-Kefauver Act of 1950, which was
21 designed to prevent the lessening of competition by doing just that.

22 O. APPLE

23 510. Participation in the Consortium directly benefits Apple in numerous
24 ways, leading to a meteoric rise in its share value, which is significantly higher
25 than that of similarly situated market operators like Samsung. For illustration
26 purposes, the entire Samsung Group market cap, which represents close to 20
27 percent of South Korea's GDP, is estimated to be in the 500 billion dollar range.
28 As a Consortium participant and a vehicle for profiting from its shares' rise due

1 to the protection granted by the Consortium, Apple, which competes with
2 Samsung's electronics division and has a market share comparable to but smaller
3 than Samsung's electronics market share, arrives at a valuation that is at least six
4 times that of Samsung's entire group.

5 511. Apple directly benefited from Intel's manipulation of its x86
6 smartphones prior to their removal from the market. Intel restricted its x86-based
7 smartphone version to prevent autonomous programming and applications from
8 running on those x86 devices, as well as to prevent compatibility with x86-based
9 personal computers and server applications. Intel achieved this by tying the x86
10 smartphone with operating systems that hindered autonomous programmability
11 and compatibility with x86-based competitors. The main beneficiaries of that
12 predatory design, illicit tying, and exclusionary actions were Apple and Google.

13 512. Apple directly profited from Intel's discontinuation of Intel's x86
14 smartphone line at the time the computing market was accelerating its shift from
15 personal computing to smartphones. Apple regarded a potential move by Intel to
16 enable transparent compatibility between x86-based personal computers and
17 smartphones as a grave and catastrophic threat to its business model and market
18 position. Apple was assured by the Consortium that such a move would never
19 take place, as the Consortium's main source of revenues via the appreciation of
20 publicly traded shares would continue to use Apple as its main vehicle for
21 profiting from the appreciation of Apple's shares and that Intel shares would not
22 be allowed to rise, as Consortium Participants personal investments reflected.
23 The discontinuance of Intel's x86 smartphone line was done to assure Apple and
24 other Consortium Participants that such a move could never take place.

25 513. Apple directly profited from the sale of Intel's smartphone modem
26 division to Apple after the division achieved a commercial presence supplying
27 modems for Apple's smartphones. Reinforcing the assurance to Consortium
28 Participants, including cellular service providers, that Intel will not allow Plaintiff

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1 and other x86 developers to compete in the smartphone space, the division was sold at a
2 loss to Apple, impairing Intel's future recovery and competitiveness.

3 514. A technology concept that was described by Plaintiff to Intel and
4 shared with its modem division was released by Apple to consumers following
5 Apple's takeover of Intel's smartphone modem division. The timing of that
6 concept release makes it likely that it originated at and by Intel based on Plaintiff
7 sharing of information with Intel under the non-disclosure agreement, although it
8 is possible that the concept originated independently.

9 515. Apple imposes control and limits over applications programming and
10 usage on its smartphones, restricting the ability of smartphone users and
11 programmers, including Plaintiff, to use those devices in violation of the 1936
12 Supreme Court stipulation that explicated the Clayton Act. This restriction stifles
13 innovation and undermines consumer choice by forcing users to conform to
14 Apple's ecosystem and its associated costs. What directly enabled Apple's
15 dominance and bold anticompetitive practices was the destruction of Apple's most
16 significant competitor, the Intel x86-based smartphone, which opened the gate to
17 a non-Microsoft, efficient, and competitive and relatively open x86 computing
18 environment. That was the direct motivation of the Consortium move to destroy
19 Intel's smartphone investment and product line and the investment and the sale of
20 Intel's modem division to Apple before Gelsinger returned to the company.

21 **P. NVIDIA**

22 516. Graphic processing represents a significant opportunity for
23 parallelism. Semiconductor architectures and parallel infrastructure can provide a
24 significant opportunity for optimization through parallel processing and parallel
25 programming. The withholding of parallel processing from the x86 architecture
26 and the blocking of x86 programmers, including Plaintiff from enabling parallel
27 programming on x86-based computers gave Nvidia an unfair advantage in the
28 market that allowed its unprecedented growth and market valuation increase.

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1 517. The direct control of efficient parallel programming in personal x86
2 computers would have increased the already large competitive advantage that
3 local applications have over centrally distributed applications, which would have
4 conflicted with the Consortium's long-term objective of forcing consumers,
5 companies, and ultimately the entire economy to rely on centrally distributed
6 computing. Intel engineers responded to market demands and implemented a
7 parallel infrastructure update to the x86 architecture, but their efforts were cut
8 short and, in 2009, destroyed by Intel's board of directors following Consortium
9 policies and directives that were designed to protect NVIDIA's unprecedented
10 market valuation growth.

11 518. Intel paid Nvidia 1.5 billion dollars in patent license fees and signed a
12 cross-license agreement accommodating the Consortium's long-term objectives in
13 2011. This took place after Intel's board and top executives, acting on behalf of
14 the Consortium and for their own personal gain as investors in Consortium
15 Participants, removed several Intel-developed improvements to the x86
16 architecture that would have competed with Nvidia, including Project Larabee in
17 2009, which involved the forced departure from Intel of a candidate for the CEO
18 position, Gelsinger, who championed it as a way to free Intel from the
19 Consortium's anticompetitive influence and limitations. The Consortium enforces
20 the resulting market structure through various means, such as manipulating AI
21 technology and agreements between Microsoft, OpenAI, and BlackRock, thereby
22 restricting AMD and Intel and strengthening Nvidia's market position.

23 519. The Consortium's protection of Nvidia, which serves its objectives in
24 multiple ways, directly contributes to its meteoric rise. BlackRock, State Street,
25 and Vanguard gain vast amounts of profits from the appreciation of Nvidia
26 shares, while Intel, which they are controlling, suppresses technologies that
27 directly compete with it. AMD offers alternative technologies to Nvidia, but the
28 Consortium's limitations on AMD's x86 interface, imposed by the Windows

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1 operating system, make those technologies less competitive. After setting its own
2 path with the x86 64-bit standard and discussions with Plaintiff regarding
3 technology that would have replaced Microsoft's Windows, AMD was forced to
4 sell its manufacturing facilities, losing its integrated design and manufacturing as
5 well as market independence. This, along with Microsoft's effective monopoly on
6 x86 personal operating systems, has left AMD reliant on the Consortium in all
7 aspects of its business.

8 520. AMD is a direct competitor of Nvidia in graphics and AI, but AMD's
9 access to consumers depends on Microsoft; its access to manufacturing depends
10 on the allocation of limited manufacturing capacity by TSMC in direct
11 competition with Nvidia and Apple for that precious resource, and its financial
12 investment options are limited by a financial market dominated by the
13 Consortium. It makes competing with Nvidia, despite having comparable and, in
14 some cases, superior products, impossible. Nvidia supports the Consortium's
15 long-term goals of controlling AI as a central resource and monetizing it with a
16 high degree of exclusivity by offering it as a subscription-based service to
17 consumers and companies.

18 521. Nvidia does not play a crucial role in creating the current form of AI
19 beyond providing the high-capacity numerical processing that can be provided by
20 Intel and AMD with an integrated interface to the x86 architecture that would
21 open the market for competition. The Consortium's undue influence on Intel and
22 AMD, along with the special relations between OpenAI and Microsoft that are
23 currently under litigation, enables Nvidia to exclusively provide the high-capacity
24 numerical processing necessary for the current form of AI. Eliminating the
25 Consortium's influence would allow Intel and AMD to provide the same power
26 and open the AI market to competition. Nvidia AI-targeted processors consume
27 unnecessarily large amounts of energy, which serves the Consortium's strategic
28 goal of making AI dependent on power infrastructure that can only be provided

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1 by the largest companies, giving Consortium Participants an advantage in
2 obtaining exclusive control over AI. Stopping the Consortium's influence on Intel
3 would allow low-power technologies such as Plaintiff's to compete and eliminate
4 the need for exorbitant investments in energy infrastructure such as the GAIIP
5 Microsoft and BlackRock partnership.

6 Q. QUALCOMM

7 522. Qualcomm is a Consortium Participant with its entire business model
8 dependent on Consortium protection. Qualcomm was a direct beneficiary of
9 Intel's discontinuation of its x86-based smartphones at a time when the computing
10 market was shifting from personal computing to smartphones. Qualcomm was a
11 direct beneficiary of Intel's sales of its smartphone modem division to Apple.
12 Both of those decisions that were made by Intel's board members, who are
13 Defendants in this case, damaged Intel, harmed Plaintiff and were made in order
14 to eliminate direct competition with Qualcomm, which is a provider of a base
15 processor and modems for smartphones.

16 523. Qualcomm effectively maintained a kind of partial monopoly over a
17 significant part of the smartphone and cellular markets. Qualcomm shares this
18 monopoly with Apple through legal wrangling and various agreements. An Intel
19 presence in that market has the potential to open up the market to independent
20 x86 developers, such as Plaintiff's, and technologies like Plaintiff, which offer
21 transparent compatibility between personal computers and smartphones as well as
22 significant power and cost savings. Independent developers competing with
23 Qualcomm's smartphone processors could have lowered the market's reliance on
24 cellular networks by using other available technologies, which would have been a
25 big challenge for Qualcomm.

26 524. Qualcomm is a direct competitor to Intel as part of its effort with
27 Microsoft to replace the open x86 standard with a closed chip that claims to be a
28 Windows device but is incompatible with x86-based Windows applications. The

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1 Qualcomm-Microsoft processor aims to shield independent programmers, such as
2 Plaintiff, from competing with Microsoft and other Consortium Participants'
3 centrally distributed services.

XIII. PREDATORY DESIGN PROFITEERING. HARM AND RIGHTING.

A. PROFITEERING SLOWS AND IMPEDES PROGRESS

7 525. This segment encapsulates the contextual background, implications,
8 and ramifications of the illicit activities detailed in this Complaint. Consortium
9 Participants, motivated by profits, may not be aware of ramifications, which
10 extend beyond the increasing dependence of the U.S. economy on foreign
11 imports, putting more than the economy in peril.

12 526. The freedom to create and use technology determines humanity's
13 nature and progress. Humanity's advancement from fire-making and stone tools
14 to Kepler's and Galileo's observations and laws, which initiated the scientific
15 revolution, is driven by freedom of thought and innovation. The church's effort
16 to stop Kepler and Galileo's new ideas and models from challenging its authority
17 would have succeeded if, instead of arresting and censoring people, it had taken
18 control of the few glass makers in Europe at the time and stopped Kepler and
19 Galileo from obtaining the clear glass they needed for their telescopes. VLSI and
20 semiconductors are today's equivalent of the 15th-century glass and lens making.
21 A small group of people has taken control of this technology, striving to maintain
22 their billionaire status and succeeding in what the church failed to achieve in the
23 15th century.

24 527. As this Complaint details, the Consortium's ongoing efforts to stop
25 the exponentially increasing computational power that Intel's engineers and its
26 large R&D budget enabled and created from reaching Intel's clients. The attempt
27 to control the economy by limiting VLSI, which served as a prelude to the
28 control, manipulations, and impediment of the x86 standard, began in the 1970s.

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At that time, the IT industry, led by IBM, aimed to keep the new CPU technology from being freely available in the market. The Consortium that evolved from the Wintel Cartel, which dominated the PC market in the 1980s, is an unofficial coalition of computing, communication, media, and finance companies and their individual stakeholders. They profit from controlling all aspects of computing technology, including its usage by consumers, and monetize this control through the accelerated appreciation of the unfairly protected companies' they safeguard. They use financial instruments, such as index-based trading, to conceal their undue influence and their manipulation of technologies and markets. They exploit the issuance of publicly traded shares to monetize their predatory designs and illicit strategy. Under the pretense of false technological constraints and misleading business prudence, Consortium Participants are accumulating vast financial benefits from their illicit activities.

528. The comparison to the 15th-century effort to preserve an exploitative order in place is not an empty one. It explains why IBM built its tying relationships around the IBM PC and resisted the move from 16-bit computing to 32-bit. It explains the priority that BlackRock and Microsoft put on impeding Intel, AMD, and the x86 standard. The creation and positioning of the EDA industry serves as a barrier to competition. The manipulation of semiconductor architectures with dark silicon, It explains HP's takeover of TI and TI's subsequent downsizing after Plaintiff suggested a technology that would significantly lower computing costs. This also explains Oracle's acquisition and effective shutdown of SUN, which occurred when technologies enabling more efficient, cost-effective massive data processing became available. Oracle also retains control over Ampere, a chip design company that was capable of achieving a high level of optimization in its new design but has chosen to stick to the industry's dark-silicon high-power formula instead of implementing a parallel architecture that would make the best use of and control the billions of transistors

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1 that are in its chips. Marvel Technology, the other significant server chip
2 company in the market, follows that same design directive that was chosen to
3 safeguard the Consortium's profiteering interests. The Consortium occupies every
4 available slot of manufacturing capacity and design resources to ensure its
5 profiteering and stock market scheme stays intact and protected from competition.

6 529. Galileo's ability to see the earthly character of heavenly bodies and
7 Kepler's transition from being an astrologer to being an astronomer were both
8 made possible by the invention of the telescope. That innovation also marked the
9 beginning of the transformation of western civilizations from collective colonies
10 to individual partnerships. The Supreme Court's 1936 ruling that clarified the
11 Clayton Act upheld the degree of freedom necessary for that progress.

12 B. THE IPO INDUSTRY SCHEME

13 530. Consortium Participants spearheaded the ongoing scheme to convert
14 x86 features into toll-based products and services forced on consumers and were
15 behind the board and its executive decisions. The scheme operated as an IPO
16 "industry," promoting multiple initial public offerings of companies that could
17 never exist without the manipulation of the x86 semiconductor design.

18 531. One example is a company named CrowdStrike that on 19 July 2024
19 caused a world-wide security disaster, costing billions in damage to companies
20 and consumers. CrowdStrike was created by the Consortium to take advantage of
21 and provide solutions to x86-based computer users for problems resulting from
22 changes to the x86 architecture that the Consortium forced Intel to implement.

23 533. CrowdStrike's illustrates how the Consortium' control of Intel is
24 translated into an exorbitant windfall of profits in the form of publicly traded
25 shares appreciation. As of recently, Vanguard owned 21.19 million shares valued
26 at \$5,564,063,696, BlackRock owned 18.46 million shares valued at
27 \$4,845,728,241, and State Street owned 9.36 million shares valued at
28 \$2,456,077,269 of CrowdStrike publicly traded shares.

1 535. The market's dependency on the critical computing capabilities that
2 the Consortium manipulates for its Participants benefit is absolute, leaving no
3 alternative for consumers, businesses, institutions, and governments. By the end
4 of July 19, 2024, after the damage caused by CrowdStrike became apparent,
5 CrowdStrike shares had lost only 11.10% of their value, and the company's
6 continued profitability was guaranteed despite the fact that its very existence is
7 the result of the manipulation of the x86 semiconductor architecture. The
8 potential for even larger disasters cannot be mitigated without ending the
9 Consortium and its scheme.

10 C. ANTITRUST ENFORCEMENT THAT IS TOO LATE TO
11 RIGHT THE DAMAGE

12 536. The enactment and evolution of antitrust law aim to safeguard against
13 the incorporation of increasingly powerful technological advancements by
14 massive businesses that use that power to take away the free market freedoms that
15 enable competition, technological advancement, and progress. Standard Oil
16 monopolized the distribution of oil using trains, and AT&T monopolized
17 telephone communication using electromechanical devices. A loose group of
18 companies, along with their stakeholders, officers, and some of their employees,
19 have formed a Consortium under the leadership of dominant technology
20 companies and their financial partners. That Consortium uses predatory design,
21 destroys competing technologies, products, and businesses, and manipulates
22 finances to turn computing into a tool that controls people's behaviors and
23 organizations' policies, eliminates competition, and, by doing so, inflates the
24 value of publicly traded shares issued by companies associated with that
25 Consortium.

26 537. In the 1990s, Microsoft and the Wintel Cartel became the focus of
27 antitrust enforcement. However, the antitrust action of the 1990s failed to
28 acknowledge the unprecedented destruction of critical technologies and

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1 companies, which began during the preceding decade of the personal computing
2 rise in the 1980s and continues to this day. That failure to enforce antitrust law
3 when the destruction of competitive, more efficient, and critical technologies and
4 products with the abuse of consumers and competitors is taking place in plain
5 view enabled the takeover of the entire economy by computing technologies
6 during the 2000s and may explain Judge Bork's approach to antitrust, which opts
7 for regulators to wait and see the impact on the market before taking action. By
8 the time the impact on the market becomes apparent, the loss of technologies,
9 companies, and the life efforts of inventors and engineers has already occurred,
10 making it difficult, if not impossible, to replicate critical knowledge and
11 know-how. This has resulted in significant economic losses and consumer harm.
12 A case in point is the destruction of low-power computing that was carried out by
13 the Consortium over decades to protect and justify the Consortium's centrally
14 distributed toll-based services.

15 538. The majority of computing technology-related antitrust cases in the
16 U.S. Department of Justice were initiated after a period of waiting to see what
17 would be the effect of possible antitrust violations on the market, delaying
18 antitrust enforcement too long after significant harm was done to competitors and
19 consumers. That approach cements the irreversible damage that antitrust
20 violations leave behind. It also contradicts the intention and the language of the
21 law. Indeed, the impact of the 1998 DOJ v. Microsoft antitrust case and the 1999
22 consent decree that Intel agreed to on July 28, 2010, was negligible, as this
23 Complaint documents, and Microsoft's CEO at the time, Bill Gates, publicly
24 stated in relation to Microsoft's conduct that includes Microsoft's special
25 relationship with Intel.

26 539. The failure of antitrust regulators to recognize the unprecedented
27 destruction of critical technologies and companies, which began in the 1980s and
28 continues to this day, is only a part of a larger failure to recognize how the

1 Wintel Cartel transformed from a technology operation driven by economic
2 forces into a stock market scheme driven by technology combined with financial
3 manipulation.

4 **D. MONETIZING ANTITRUST VIOLATIONS, COMPETITORS**

5 **ENTRAPMENT TO PROTECTS UNICORNS' STOCK**

6 540. The Consortium's ultimate goal, aside from its self-preservation, is
7 the monetization of its illicit market advantages. Exclusive control and dominance
8 of critical technologies increase the profits from the issuance and appreciation of
9 publicly traded shares. Multiple companies that share a competitive market can
10 never generate the windfall stock market appreciation that can be generated by a
11 single unicorn company with little competition. That monetization provides the
12 individual Consortium Participants their most significant gain in the form of the
13 appreciation of public shares of protected "unicorn" companies. The Consortium
14 accelerates the appreciation of its unicorn companies shares through illicit
15 antitrust and financial violations that shield them from competition, which would
16 offer lower costs and superior technologies. The Consortium uses Intel as an
17 entrapment mechanism to eliminate competitive technologies from the market.
18 Intel disguises the intentional destruction of those technologies and products as
19 unfortunate mistakes, legitimate failures, or miscalculations.

20 541. In 2019, when Intel moved to acquire Habana Labs, an AI chip
21 design company, Nvidia had only two potential competitors designing the type of
22 chips that support AI: AMD with its ATI-based Graphic Processing Units (GPU)
23 and Habana Labs with its custom AI chips. Google's AI processors prioritized
24 internal usage, rendering them incapable of challenging Nvidia's dominance.
25 Under the Consortium's control, AMD posed only a small risk to Nvidia's
26 dominance and its positioning by the Consortium as a stock market unicorn; the
27 design of Habana Labs' Gaudi chips prioritized performance per dollar and
28 specifically targeted AI machine learning. This made Habana Labs a significant

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1 potential competitor to Nvidia. Protecting Nvidia as a unicorn and preventing the
2 spread of low-cost and low-power AI capabilities that would have reduced market
3 dependency on centrally distributed AI provided as a service by Consortium
4 Participants became a top priority. Habana Labs had to be brought into the
5 Consortium fold in order to stop it, and Intel was moved to entrap it, employing
6 the same tried-and-tested formula that had previously stopped numerous
7 low-power competitive technologies, including Plaintiff's.

8 542. Just as the Consortium-dominated Intel board acted in 2009 to curtail
9 Intel from competing against Nvidia by eliminating the parallel processing and
10 GPU functionality that was added to the x86 architecture and forcing the
11 departure from Intel of Gelsinger for initiating that effort, Intel directors
12 operating as Consortium Participants moved in 2019 to protect Nvidia from
13 Habana Labs by bringing it into the Consortium's fold and entrapping its
14 developers. Intel acquired Habana Labs in 2019 for two billion dollars and
15 trapped its developers with a four-year contract that locked them to the company
16 regardless of resources and backing for their design effort. It then moved to
17 cripple the development effort and curtail the development of the necessary
18 elements required to bring Habana Labs products to the market.

19 543. However, the 2009 attempt to safeguard Nvidia did not eliminate the
20 existential threat to the Consortium posed by the combination of Intel
21 manufacturing and the x86 standard. As the forced resignations of former CEO
22 Krazanich and Defendant Bryant demonstrate, the Consortium lacks omnipotence.
23 Consortium Participants has remain vigilant in safeguarding their illicit gains.
24 The 2009 effort to protect Nvidia was followed by an effort to separate Intel from
25 its manufacturing, which involved the intentional destruction of Intel
26 manufacturing and the carefully planned weakening of the x86 standard, as
27 detailed in this Complaint. The destruction of Habana technology that started in
28 2019 is being followed at the current time in a continuing effort to separate Intel's

1 products fill a void but are strategically designed and positioned to safeguard the
2 Consortium Participants' unicorns from competitive products that would provide
3 consumers with compatibility to the dominant standards.

4 546. One example is the low-cost Raspberry Pi computer, which
5 Broadcom designed and positioned to be incompatible with common computing
6 and consumer mobile standards. It is dumped strategically to eliminate potential
7 competition that the Consortium's manipulation of technology creates. Its
8 positioning and distribution were designed by Consortium Participants to
9 neutralize the demand for low-cost alternatives that are compatible with existing
10 standards by dumping a capable product that is designed to be incompatible with
11 the Consortium's bread and butter. It protects personal, business, mobile, and
12 smartphone computing. Being strategically dumped at list prices below the cost of
13 manufacturing and distribution, it is mostly unavailable at its advertised pricing
14 but nevertheless makes competition against it unprofitable. Broadcom is refusing
15 to sell the chip for targets that challenge the Consortium, even though it is a
16 capable potential competitor against Apple iPhones and Google Android,
17 Microsoft Windows, and Nvidia processors used in Android tablets. Broadcom's
18 interest in impeding competition to protect the current high pricing of computing
19 resulting from the exclusivity of unicorns is due to its being a major supplier of
20 support and infrastructure chips to those unicorns.

21 547. The effort to undermine competition dominates every aspect of
22 Consortium Participants activities. Intel OEMs refuse to discuss any release of
23 x86 products with capabilities that can challenge Microsoft's Windows even when
24 presented with technologies that can improve their existing product usage with
25 Windows by their customers. Technology is being used as an entrapment tool of
26 competitors and consumers rather than to fulfill free market demands.
27 Straightforward technological and business market conditions are distorted,
28 falsified, and misstated to cover it up. With the backing of Intel and Amazon,

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1 which provide machine learning resources as a service to Amazon's massive
2 AWS (Amazon Web Services) customer base, Habana Labs was in a position to
3 offer an alternative to Nvidia AI chips that would eventually be manufactured at
4 Intel and potentially deliver a multi-level interface and integration with x86
5 standards that benefit Intel, its customers, and the market. Consortium
6 Participants at Intel acted to withhold the critical elements that were required for
7 the Habana Labs AI chips to be adapted by the market. Resources required for
8 the Habana Labs chips development environment were withheld by layers of
9 bureaucracy that paralyzed the development effort. Amazon had to rescind its
10 choice to utilize Intel's Habana AI chips, and Intel refrained from releasing the
11 compromised products onto the market.

12 548. Splitting Intel and "containing" its parts under the control of a
13 Unicorn or Semi-Unicorn Consortium Participant is the Consortium's ultimate
14 goal. It will end the possibility of any potential competition against the
15 Consortium with dire consequences to the U.S. economy and its future.
16 Consortium Participants at Intel are actively engaged in an effort to achieve that
17 after destroying Intel semiconductor technology and its market valuation and
18 stopping the recent recovery achieved by Gelsinger, who has been striving to
19 revitalize the company's position in the global semiconductor landscape while
20 opening it to competitors. By undermining his initiatives, the Consortium aims to
21 consolidate power and maintain its dominance over critical technology sectors,
22 thereby stifling innovation and jeopardizing the competitiveness of American
23 firms on the world stage.

24 549. For the Consortium Participants, technology is an instrument for
25 producing windfall profits via the stock market. That by itself is not illegal, but
26 the predatory design, exclusionary acts, tying, undue influence, conspiracy, and
27 financial manipulation that are carried out to produce the stock market windfall
28 are.

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1 550. The technologies that were destroyed or barred by the Consortium
2 include low-power semiconductor architectures that would have reduced the
3 market's dependency on computing centers that consume vast amounts of energy
4 and would have improved and lowered the cost of mobile computing. They
5 include Direct communication between Internet subscribers which would have
6 freed consumers from dependency on centrally distributed services, programmatic
7 control of CPU selection in multi core that would have solved the online worst
8 case scenario that force consumers to rely on massive server farms; x86-based
9 smartphone that could have unified personal and mobile computing and eliminate
10 the market dependency on centrally distributed mobile applications;
11 semiconductor architectural features that would have eliminate security
12 vulnerabilities and prevent computers failures as well as software tools and
13 platform that enable full access to x86-based computers resources that would
14 have removed the limits and overhead that tied products such as Windows
15 imposed on x86-based computer users.

16 551. A significant number of tried and tested technologies that were
17 successful in the market were removed from the market under protest from
18 consumers and developers by various methods enabled by the protection that
19 includes predatory design Intel provides to Consortium Participants. Intel can
20 enable each of those technologies, which represent significant advancements in
21 personal, mobile, and business computing. All of those technologies represent a
22 danger to the Consortium's ability to continue its scheme.

23 552. The IBM Personal Computer scheme, which divided control over the
24 product and its consumer dependencies among three companies-IBM, Intel, and
25 Microsoft-to conceal the illicit tying that protected IBM products and services
26 from the newly invented CPU and personal computing, inspires the Consortium's
27 methods of operation. The division of tasks between Consortium Participants
28 conceals their methods of operation.

1 553. Defendant Bryant and the other Consortium Participants on the Intel
2 board of directors used false business reasoning at Intel to present decisions that
3 deteriorated the company's x86 product line and semiconductor manufacturing,
4 with the intention of providing enormous benefits and protection to Apple,
5 Google, Microsoft, Amazon, Qualcomm, and Nvidia, as well as the numerous
6 Consortium projects monetized through the issuance of publicly traded shares.
7 Those decisions were the result of a meticulous strategy and detailed planning by
8 Consortium Participants outside and inside Intel against the better judgment of
9 Intel engineers and honest stakeholders, enabling the Consortium's ultimate goal:
10 converting its control and manipulation of technology into publicly traded shares
11 that are sold at inflated prices.

12 554. The deliberate implementation of flawed, superfluous architectural
13 design features, such as the unrestricted access to the entire memory (known as
14 ring zero mode), enabled by privileged programming instructions rather than a
15 physical protection of exclusively allocated memory areas, contravenes security
16 and design principles and was carried out with malicious intent. That design was
17 intended to make it possible for Consortium Participants to force consumers to
18 replace their computers and software by introducing triggers in critical services
19 that will cause their computers to fail, resulting in loss of data and time and
20 requiring a reboot. Microsoft and Google are currently implementing triggers that
21 force older computers to malfunction and reboot when accessing certain popular
22 websites. However, this intentional nefarious design also affected Windows 10
23 and 11, enabling the catastrophic worldwide failure that occurred in July 2024 as
24 a result of the CrowdStrike upgrade.

25 555. The Consortium employs its financial index-based trade scheme to
26 exert influence over FPGA companies, EDA companies, and fab service provider
27 companies. These companies do market to consumers but play a crucial role in
28 the manufacturing from the x86 standard and cement the Consortium's protection

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1 from optimized low-power technologies that would end the gravy train
2 Consortium Participants, including Intel directors, engaged in that effort, enjoy.
3 The modest success achieved by Intel's manufacturing engineers under Gelsinger
4 in repairing the damage to Intel manufacturing that was done by the same
5 Defendants between 2012 and 2021 before Gelsinger returned to Intel is under a
6 risk as the Defendants are actively engaged in an effort to reverse that success
7 before it can be finalized and outsource the manufacturing to TSMC in Taiwan
8 with disastrous consequences to American competitiveness and security.

9 544. Historically, American dominant companies acted to increase their
10 own control and dominance in their own respective markets. The U.S. antitrust
11 laws were enacted to address that threat to the free economy. The progress in
12 science and technology that changed modern technology from relying on manual
13 control systems to automation sped up the mixing of anti-competitive efforts
14 across industries. For instance, J. P. Morgan's gas distribution monopoly
15 removed from the market Thomas Edison's local electrical generation
16 technologies. In the last four decades, however, advances in semiconductor
17 manufacturing and design and the forming of the Consortium changed the
18 anticompetitive efforts of dominant companies from being directed at their own
19 markets to the manipulation of the entire economy and the fundamental
20 technologies that drive it.

21 545. So-called technologies that pretend to be "open" are used to protect
22 the existing dominant standard. The "dumping" of "free" or low-cost products
23 and codes is initiated by Consortium Participants to occupy the slots of demands
24 that the Consortium manipulation creates. The Consortium Participants initiate
25 the "dumping" of "free" or low-cost products and codes to fill the void created by
26 the Consortium manipulation, which otherwise would have supported the creation
27 of competitive alternatives compatible with dominant products. The low-cost
28 supply chain that facilitates competition by enabling access to VLSI

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1 semiconductor design and manufacturing. By withholding critical information,
2 ignoring communication, and refusing to deal with independent developers, these
3 companies create obstacles for developers seeking to bring products that
4 challenge the Consortium's strategic goals to the market. They act as gatekeepers
5 against entry into the market of competitively efficient technologies and products.
6 Plaintiff experienced that treatment from Altera, an FPGA company, before it
7 was taken over by Intel, from EDA companies and from semiconductor fab
8 service companies, Global Foundries and TSMC, that as part of a strategy
9 devised by the Consortium, use the EDA companies as a barrier to competition as
10 detailed below in this Complaint.

11 556. The Consortium invites Participants to buy publicly traded shares of
12 its companies and earn a profit commensurate with their investment. However,
13 Consortium Participants in key positions have exclusive access to investment
14 opportunities in initial public offerings, which yield a higher reward.

15 557. Under the Consortium's control, investment in technology driven by
16 technology and market demand would typically be reversed to protect the
17 Consortium. Intel's CEO Andy Grove's 1987 decision to invest in Go
18 Corporation, a startup company that introduced efficient portable computing, was
19 started by Robert Carr, the designer of Ashton-Tate's Framework software
20 product, and Jerry Kaplan, the designers of Lotus' Agenda software product. The
21 two companies and their immensely popular products were removed from the
22 market by the Consortium "in the interest of the industry," to quote executives
23 who were involved in removing the companies from the market and explained
24 their actions to Plaintiff using those words. After the Framework product was
25 taken over by Plaintiff as a result of Plaintiff's antitrust efforts, Lotus approached
26 Plaintiff and requested he take Lotus' Agenda product to accommodate the
27 Consortium's pressure on Lotus to stop updating and supporting it. The pressure
28 was put out in the open with Microsoft informing companies that supporting

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1 non-Windows legacy products would preclude them from using the Windows
2 trademark in advertisements for their Windows-based products. Even more
3 egregious, updating products such as Lotus' Agenda for Windows was deemed
4 "against the interest of the industry.". Intel promptly canceled the investment in
5 Go Corporation, giving in to Microsoft CEO Bill Gates's demand, who
6 understood very well that Microsoft Windows, which is designed to limit its users
7 functionality and relies on illicit tying to achieve total market dominance, can
8 never compete in a free market against products designed to fulfill consumers
9 expectations. As revealed in the 1998 Government v. Microsoft antitrust case,
10 Gates made the demand explicitly and directly, in direct violation of antitrust
11 laws. Gates moved to become the largest investor in AT&T, which took over Go
12 Corporation and promptly removed it from the market.

13 558. In 1991, Lessely Vadasz, one of Intel's founders, established Intel
14 Capital, a venture capital division positioned to monetize the Consortium's
15 fundamental formula through investments that focused on the scheme. Intel
16 Capital invests in numerous companies, many in China, that make minimal
17 contributions to Intel, its customers, the majority of its shareholders, or the
18 market, yet generate windfall profits for Consortium Participants when they are
19 purchased by Consortium companies. In effect, Intel Capital and other venture
20 capital and investment firms define their missions as creating companies that are
21 either positioned to become monopolistic unicorns by fragmenting existing
22 technologies or entrapping technologies that challenge the Consortium into the
23 Consortium fold. They do it while generating windfall profits from various public
24 investments that are costly to consumers and the economy.

25 559. The Consortium uses numerous illicit methods that violate U.S.
26 antitrust laws and regulations. It distributes its profits to Consortium Participants
27 in the form of windfalls from publicly traded shares and investment opportunities
28 exclusively available for Consortium Participants. To generate its profits and

1 maintain its control, it employs the following methods, among others:

2 a. Erect barriers to competition against Consortium Participants products
3 and services.

4 b. Maximize the cost to consumers.

5 c. Creating an uneven field for competition.

6 d. Employing predatory design to block competitive technologies.

7 e. Starting publicly traded companies based on manipulated technologies.

8 f. Purchase and manipulate publicly traded shares to lessen competition.

9 g. Interfere with the management of companies to lessen competition

10 h. Use bribery, blackmail, entrapment, and intimidation to lessen
11 competition.

12 i. Fragment technologies to increase cost, control, and hide illicit tying.

13 **E. CONSORTIUM SCHEME INHERENT CONFLICT WITH VLSI
14 SEMICONDUCTOR TECHNOLOGY.**

15 560. As this Complaint details, the development of the
16 semiconductor-based CPU became an urgent concern for the IT and computing
17 industries in the 1970s and 80s. IBM took action to curb this development, which
18 resulted in the destruction and delays of efforts to harness the power of VLSI for
19 the empowerment of consumers and the economy. As IBM feared, it eventually
20 lost its dominance. By 1990, the concern of the Consortium that replaced IBM
21 shifted from the CPU itself to the increasing power of the exponential increase in
22 semiconductor device transistor count piloted by Intel's R&D investment. The
23 Consortium, with Microsoft and the financial companies leading it, moved to
24 protect their meteoric rise by limiting the power that the increase in
25 semiconductor device transistor count can provide consumers and the economy.
26 The effort to contain the CPU was replaced with the effort to contain the
27 inevitable results of Intel's R&D significant investment that drove the entire
28 semiconductor industry.

1 561. A dichotomy between Intel's founders, directors, and top
2 management on one side and its design engineers on the other arises in the 1970s
3 when Intel leadership chooses to collaborate with the IT industry and reject
4 efforts by the developers of personal computing at Xerox Park to empower
5 educational and consumer markets with competitive technology, setting in place a
6 precedent that defined Intel dynamics. By the 1990s, the inevitable exponential
7 increase in the number of transistors per device resulted in an exponential
8 increase in potential consumer and economic empowerment, which the
9 Consortium had to stop in order to preserve its scheme. The mass production of
10 semiconductor devices turns them into a commodity, with supply and demand
11 controlling their pricing. Commoditized products that empower competitors and
12 consumers would have stopped the Consortium stock market unicorn scheme.
13 Trapping Intel and the semiconductor industry became the Consortium's top
14 priority. The Consortium moved to erect barriers to competition, first, by forcing
15 Intel engineers to implement predatory design that hinders effective utilization by
16 competitors and usage by consumers of the increasing transistor count growth
17 that Intel's R&D drove, and secondly, by transforming Intel and the rest of the
18 computing and semiconductor industry under the Consortium's undue influence
19 into an entrapment system of competing technologies and their creators.

20 562. The EDA companies, Cadence, Synopsys, and Mentor, were created
21 and positioned by the Consortium to enact barriers to semiconductor
22 manufacturing by independent semiconductor design developers and companies.
23 Access to semiconductor manufacturing, which led to the academic innovation
24 that led to VLSI, was limited by artificial barriers set up by EDA companies.
25 These barriers raised the cost of prototyping commercial-grade semiconductor
26 devices by a factor of thousands over a ten-year period while also removing
27 competition that would have made VLSI design and semiconductor devices more
28 efficient and put the Consortium's scheme at risk.

1 563. Payments directed at academic institutions motivated them to
2 participate and protect the windfall generation machine that the Consortium
3 created. Academic institutions move to operate as arms of the venture capital
4 industry. The academic curriculum tilted to protect centralized control over
5 computing usage and justify fragmentation that served the Consortium's
6 objectives. Academic institutions, enticed by financial rewards, enabled the use of
7 illusive technologies such as quantum computing as a financial scheme offering
8 illusive empowerment that is used as a stock market lure. Academic institutions
9 are also passively turning a blind eye that provides a cover-up for the current
10 high-power AI and massive computation investment scheme that is carried out by
11 companies such as BlackRock with GAIIP detailed in this complaint that is
12 carried out to justify the centralization of computational power.

13 564. Predatory design that Intel and other device makers were forced to
14 implement by the Consortium transformed the increased number of transistors in
15 semiconductor devices from an invaluable computational resource into overhead
16 heat-producing dead weight. Dark silicon, pipeline, and the dedication of a large
17 number of transistors to exclusive functionality that gives Consortium Participants
18 an unfair advantage in compensating for the impeded performance resulting from
19 that predatory design transformed the costly investment in R&D that enabled
20 Moore's Law high density, paid for by the entire economy, into a barrier to entry
21 to the market, cementing the Consortium's hold on the economy while holding
22 back efficiency and productivity, leaving the U.S. economy as a whole at a
23 disadvantage.

24 565. The Defendants have limited or no understanding of the implications
25 and consequences of design on the market. With a superficial understanding of
26 the technology that their actions impact, they protect the Consortium for their
27 own personal gain, as the value of their investment increases with the protection
28 they are awarding to the Consortium Participant companies they invest in.

F. COMPUTING FRAGMENTATION RACKETEERING

566. Until the early 1990's the cost of bringing to market a semiconductor chip that perform computation and communication in a personal computing device was less then one hundred thousands dollars. Such a project was completed by Plaintiff but was blocked from reaching the market by barriers to marketing. During the following decade, the cost increased to hundreds of millions as a result of coordinated racketeering that fragmented industries and erected barriers to competition to protect the Consortium.

567. The fragmentation of the computing market into operating systems, software, semiconductor design, semiconductor manufacturing, EDA, and service providers is imposed on Intel and the rest of the industry by the Consortium to control the computational power and functionality that consumers and organizations can access on their own computers as well as maximize costs to consumers and the economy. That fragmentation allowed the Consortium to withhold optimality and reliability from the market, create artificial demand for unnecessary corrective technologies that compensate for incompatibilities, defects, and vulnerabilities, and monetize those disadvantages for consumers and the economy, resulting in unprecedented profits.

568. In the 1998 antitrust case of the Government v. Microsoft, the government discovered that Microsoft's CEO, Bill Gates, approached Intel with a demand that Intel remove a part of its x86 semiconductor architecture that was designed by Intel engineers to optimize the allocation of graphic memory and rendering, a functionality that Bill Gates claimed "belonged" to Microsoft. Bill Gates' demand to Andy Grove, Intel's CEO, led Intel to promptly remove the graphic rendering component from the x86 architecture, even though it enhanced the functionality and optimality for x86-based computer users. This action mirrors the illegal, unofficial plan IBM's legal department devised with the introduction of the IBM PC: to divide between software and hardware, with the

1 aim of controlling the functionality available to computer users.

2 569. Artificial fragmentation of a technology, whose optimization and
3 efficiency rely on unified design, allows companies to engage in illicit tying,
4 enabling the Consortium stock market unicorn scheme that depends on
5 withholding computational power and functionality from consumers, suppressing
6 competition, and forcing the market's dependency on central services. It allows
7 the Consortium to monetize the increased costs for the market. The invention of
8 VLSI made it possible to design optimal digital control systems and bring them to
9 market at an unprecedently lower cost. The factitious separation between
10 software, design, manufacturing, and EDA was corruptly imposed on the market
11 by the Consortium to withhold that optimality from the market.

12 570. The industry does not uniformly enforce the factitious separation
13 between software, design, manufacturing, and EDA. Altera (acquired by Intel)
14 and Xilinx (acquired by AMD) dominate the FPGA industry. FPGAs are
15 semiconductor programmable devices, and both Altera and Xilinx provide their
16 own in-house EDA development systems with their end products since not doing
17 so would have impeded the use of their products. EDA's illicit ties with fab
18 services and unreasonably high pricing restrict access to semiconductor
19 manufacturing for non-Consortium developers.

20 571. The spurious separation of exclusive control of Microsoft's software
21 and Intel's hardware that was devised to hide illicit tying, predatory practices,
22 and designs and conceal the anticompetitive acts of the Wintel Cartel was adapted
23 by the Consortium for building an anticompetitive wall around semiconductor
24 manufacturing. By concealing ties, exclusionary practices, and excessive pricing,
25 the spurious separation between design and manufacturing grants the EDA
26 companies control over access to semiconductor fab services, thereby preventing
27 competitive semiconductor architectures and technologies that could challenge the
28 Consortium with higher efficiency, better functionality, and lower cost from

1 entering the market. Agreements and arrangements between the fab and EDA
2 companies prevent semiconductor designers from building or using their EDA
3 design software that supports more efficient technologies in violation of 15
4 U.S.C. § 1 (1976). This Complaint section I. DEFENDANT LIP-BU TAN
5 describes the role at Intel fab and the preservation of that anticompetitive wall.

6 572. In the 1998 Government v. Microsoft case, the government
7 discovered an intervention by Microsoft's CEO, Bill Gates, in Intel's affairs in
8 which he demanded that Intel remove a particular part of its x86 semiconductor
9 architecture that was designed by Intel engineers to perform in an optimal way
10 the allocation of graphic memory and rendering, a functionality that Bill Gates
11 claimed "belonged" to Microsoft. Bill Gates' demand to Andy Grove, Intel's
12 CEO, led Intel to promptly remove the graphic rendering component from the
13 x86 architecture, even though it increased efficiency and functionality of
14 x86-based computers. This action mirrors the illegal, unofficial plan IBM's legal
15 department devised with the introduction of the IBM PC: to divide between
16 software and hardware, with the aim of controlling the functionality available to
17 computer users. Spurious fragmentation that is maintained by hidden illicit
18 agreement and arrangement enable illicit software tying.

19 **IXV. CONSORTIUM INTERFERENCE IN INTEL DESIGN**

20 **A. INTEL X86 PART REMOVAL TO PROTECT MICROSOFT**

21 573. In the 1998 Government v. Microsoft case, Plaintiff submitted a
22 motion to intervene, proposing the division of Microsoft into two companies, an
23 operating system company and a separate application company. Plaintiff's
24 intervention can be referenced at:

25 <https://web.archive.org/web/20010515200354/http://views.com/>

26 While the government adapted Plaintiff proposed remedy, and the court ordered
27 it, the decision was reversed on procedural grounds, and the case ended with no
28 significant effect on Microsoft and Intel, according to Microsoft CEO Bill Gates,

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1 who declared publicly after the conclusion of the case that no Microsoft employee
2 changed anything he did as a result of the case.

2 574. In the discovery that took place in the same 1998 case, a letter from
3 Microsoft's CEO, Bill Gates, to Intel CEO, Andrew Grove, demanded that Intel
4 remove part of the x86 architecture designed to optimize graphic display in
5 x86-based personal computers because it competed with Microsoft's Windows
6 functionality. Intel CEO Andy Grove complied with the demand and ordered Intel
7 engineers to remove those parts, resulting in a significant loss of efficiency, ease
8 of programming, and a limit on functionality for users of 86-based Intel
9 computers. The removal protects Microsoft as it makes it more difficult to use
10 x86-based computers without Windows. It also provides protection for graphic
11 companies such as Nvidia, which could offer such functionality at an additional
12 cost to consumers.

13 575. An Intel engineer testified in that 1998 court case that after the
14 removal of that part of the x86 chip design, Intel CEO Andrew Grove
15 approached him at a company party and apologized for the removal, explaining
16 that he had no choice but to give in to Bill Gates's pressure.

17 576. On information and belief, that said letter obtained in the discovery
18 was created retroactively by Microsoft after it became known to the Microsoft's
19 legal team during said court case that a testimony given by an Intel engineer
20 revealed that Bill Gates demanded that Intel CEO Andrew Grove, will remove a
21 part of the x86 architecture that would have eased competition with Windows, in
22 what was possibly a threatening phone conversation and Grove related that he
23 was in no position to say no to Bill Gates. The purpose of creating that letter was
24 to portray Bill Gates' demand from Andrew Grove in a manner consistent with
25 corporate behavior, which could be interpreted as corporate activity under the
26 corporate veil legal doctrine. Microsoft's legal team was well aware of the 1981
27 arrest of American Airlines CEO Robert Crandall, following a less egregious
28

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1 phone call where he proposed a coordinated price increase to the CEO of Braniff
2 Airlines, who reported the conversation to the FBI, resulting in the arrest and
3 persecution of Robert Crandall.

4 577. The x86 design part that was removed as a result of Bill Gates'
5 demand was added by Intel's engineers to provide x86 programmers with an
6 efficient interface for graphic memory allocation and graphic rendering. Given
7 appropriate access to the x86 instruction set, programmers can build such
8 functionality. However, the Windows operating system's tying to x86 computers
9 has taken away this access, and Windows now provides this essential
10 functionality for writing programs in a cumbersome and complex way, adding
11 significant overhead and increasing the likelihood of bugs. Microsoft's demand
12 and Intel's removal increase costs to consumers as well as competitors, including
13 Plaintiff, that compete against Microsoft products.

14 578. The addition of that part by Intel to x86 semiconductor devices
15 significantly improved and accelerated all x86 computer operations, reduced
16 energy consumption, and simplified x86 programming. It also made it possible to
17 create better software products such as 3D CAD and games, improve data
18 processing by reducing the CPU overhead, and lower costs for consumers at
19 every level of the economy.

20 579. Years after Intel's CEO, Andrew Grove, ordered the removal of the
21 x86 rendering part, giving in to Bill Gates's demand, a similar, much more
22 significant situation has taken place at Intel. The "Larrabee(2)" project was part
23 of Intel's effort to give x86 programmers an improved level of graphic
24 programming and parallelism, which would significantly increase x86 efficiency
25 by leveraging the enormous investment Intel has made in its manufacturing and
26 design capabilities under the Moore's Law formula. Information about the project
27 can be views at:

28 [https://en.wikipedia.org/wiki/Larrabee_\(microarchitecture\)](https://en.wikipedia.org/wiki/Larrabee_(microarchitecture))

1 580. Project Larrabee culminated Intel's accumulated experience in
2 semiconductor design and the vertical integration of its local semiconductor
3 manufacturing, aiming to enhance Intel's x86 platform to rival the most profitable
4 product of Nvidia, one of Intel's stakeholders. Additionally, it empowered x86
5 developers with computing power that would have challenged Microsoft
6 Windows and the stakeholders' entire scheme, causing significant concern among
7 stakeholders. Intel's Senior Vice President and Chief Technology Officer at the
8 time, Pat Gelsinger, initiated Project Larrabee. Gelsinger's approach would have
9 optimized critical x86 capabilities by embedding them as semiconductor intrinsic
10 traits, which would have made it more difficult for an operating system such as
11 Windows to restrict or block access to them.

12 581. The aftermath of project Larrabee was similar to the previous attempt
13 to improve x86 described above. In 2009, the project was terminated, and
14 Gelsinger, to quote his own words, was "pushed out" of Intel, which had taken
15 place after working at Intel for 30 years and rising to the position of senior vice
16 president.

17 582. Gelsinger was pushed out of Intel because he did not agree to carry
18 the ongoing scheme that was designed to protect Consortium Participants'
19 products and services by manipulating and weakening Intel's semiconductor
20 technology to the detriment of Intel's customers and the silent majority of Intel's
21 shareholders who are not Consortium Participants that were profiting from
22 investing in Consortium shares, as all Defendants in this case did.

23 583. The Larrabee project was not the first attempt by Intel engineers to
24 break out of the anti-competitive jail imposed on Intel by the Consortium via its
25 largest shareholders. As detailed above, an improvement to the x86
26 semiconductor design was removed after Bill Gates, Microsoft CEO, demanded
27 its removal because it was competing with the Microsoft Windows operating
28 system and easing competition against Microsoft products. Those two significant

1 x86 architectural parts that were removed by Intel were projects created by Intel
2 engineers and managers in an attempt to restore, at least partially, Intel's ability
3 to compete freely in the market by improving the x86 architecture to serve Intel's
4 customers rather than limiting it to serve the anticompetitive interests of the
5 Consortium.

6 584. Intel invested significantly more than other companies in research,
7 development related to semiconductor manufacturing and IP design. However,
8 the undue involvement of the Consortium in Intel's decision-making processes, as
9 demonstrated by Bill Gates' letter to Intel CEO Andrew Grove, deprives Intel's
10 customers and the economic sectors impacted by computing and x86 technology
11 of the benefits of this substantial investment.

12 585. The removal of those x86 architectural parts is only part of the
13 predatory design that the Consortium forced Intel to apply to the x86 architecture.
14 It limits access to the market, resulting in the detraction and loss of technologies
15 and designs that would have empowered both consumers and competitors. That
16 predatory design furthers the shift of x86 functionality into toll-based, centrally
17 distributed services and enables its stock market unicorn scheme that is based on
18 the offering of blocked x86 technologies by Consortium Participants to enrich
19 their share value.

20 586. The 2009 dismissal of Gelsinger from Intel coincided with the
21 selection of Jane Shaw as Intel's chairwoman. During her tenure as chairwoman,
22 Jane Shaw ignored flagrant antitrust violations by Intel and its stakeholders,
23 particularly against AMD. She later assisted in positioning Defendant Bryant as
24 her successor and in promoting Krazanich as a candidate to replace Ottelini as
25 Intel CEO. Both Bryant and Krazanich proceeded to advance the ongoing
26 Consortium's scheme to weaken the x86 standard and remove it from the
27 smartphone market despite its advantages for consumers and moved to destroy
28 Intel's semiconductor manufacturing and its position in the market to

1 cement the Consortium's scheme by preventing competition against the
2 Consortium companies and services.

3 **B. THE EFFORT TO END INTEL'S COMPETITIVE EDGE**

4 587. By 2012, Intel had on the market several high-end x86-based
5 smartphones that used a variety of efficient x86 devices.

6 588. Consortium Participants' were adamant in preventing integration,
7 unification, and transparent compatibility between smartphones and x86 personal
8 and business computers to maintain the fragmentation that is a key to the
9 Consortium's control and scheme. x86 smartphones allow independent developers
10 to enter the smartphone application market, thereby undermining the current
11 fragmentation between personal and business computing, the smartphone market,
12 and the Consortium's control over exclusively server-based and centrally
13 distributed smartphone applications. The relatively open and powerful x86
14 resources have to be removed and prevented from competing in the smartphone
15 market.

16 589. The mere existence of efficient x86 devices and the rapid
17 advancement of the Intel semiconductor manufacturing cycle endangered the very
18 existence of the market structure that was bringing a windfall to Consortium
19 Participants. The Consortium moved to destroy both Intel's investment in mobile
20 devices and its ability to rapidly advance its semiconductor manufacturing.

21 590. In 2012, the Consortium moved to take advantage of the resignation
22 of Intel CEO Paul Otellini, and as a part of the Consortium scheme, installed
23 Defendant Bryant, who was hired in 1981 by Intel to build and manage the
24 Wintel Cartel and the relationship with Microsoft and was responsible over the
25 years for antitrust violations admitted by Intel against other x86 CPU makers, as
26 Intel's board chairman.

27 591. Defendant Bryant proceeded to force the resignation of Intel's
28 highest-level semiconductor design and manufacturing experts and install

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1 Consortium Participants in key positions. He also cancelled the most critical
2 planned upgrade to Intel semiconductor manufacturing, which was crucial for
3 maintaining Intel's leadership in the semiconductor market. Additionally, he
4 destroyed Intel's and its customers' investment in the mobile x86 versions by
5 exiting the smartphone market and selling the Intel mobile modem department to
6 Apple.

7 592. Simultaneously, the Consortium engaged in a push to transform Intel
8 into a design company that would outsource its manufacturing. Such a move,
9 which would have permanently eliminated the risk to the Consortium's and its
10 scheme, was not unprecedented. Anticompetitive actions by Intel, a prominent
11 member of the Wintel Cartel before its transformation into the current
12 Consortium, threatened AMD's existence only a few years prior. The action
13 forced AMD to relinquish and outsource its own manufacturing, thereby limiting
14 its competitiveness and limiting its ability to benefit from closely integrated
15 design and manufacturing as detailed in this Complaint.

16 593. At the same time, two of Intel's largest competitors and Consortium
17 Participants, Microsoft and Qualcomm, launched a partnership effort to develop a
18 version of a custom processor to replace x86 processors by using Microsoft's
19 Windows trademark to mislead consumers, abandoning the relatively open x86
20 standard by falsely claiming that it will provide Windows and personal computing
21 compatibility while designing it to coerce consumers to depend on centrally
22 distributed services and be incompatible with Windows and personal computing
23 applications. The goal of that effort is to harm Intel, undermine the freedom of
24 programmers to compete, and restrict consumers' ability to select the software
25 that runs on their computers. Microsoft has already introduced the practice of
26 restricting the software that can run on certain versions of Windows to the
27 market. Microsoft artificially lowers the price of these Windows versions that are
28 designed to violate antitrust laws in order to establish new market standards,

1 strengthen its market dominance, and reduce competition for its toll-based,
2 centrally distributed products and services.

3 594. Microsoft's pairing of a Windows-incompatible operating system with
4 a Windows-incompatible Qualcomm processor under the Windows trademark is a
5 blatant attempt at misleading consumers into abandoning x86 products from Intel,
6 AMD, and x86 developers such as Plaintiff, replacing them with an inferior,
7 limiting, and costly standard that forces consumers to rely on centrally distributed
8 applications from Microsoft while blocking their return path. Microsoft and
9 Qualcomm are taking advantage of years of technical and market abuse that
10 prevented Intel from introducing design improvements enabled by Intel's
11 significant investment in design and manufacturing. They are removing some of
12 the significant unnecessary Windows overhead that was designed to impede
13 non-Microsoft software that runs on Windows X86 computers from competing
14 with Microsoft products to create the impression of efficient design while closing
15 the segment of the they commandeering by misleading consumers to competition.

16 595. Microsoft's misuse of its Windows trademark is weakening the ability
17 of Intel and x86 programmers such as Plaintiff to compete by preventing software
18 that is not approved by Microsoft from running on that chip. The dual purpose of
19 this effort was first to weaken Intel by sabotaging the established x86 user
20 standard and, second, to build a chip that, unlike Intel x86, which required only
21 Intel to support any operating system, would only run Microsoft's proprietary
22 operating systems and Microsoft-approved software.

23 596. Defendant Bryant, along with his collaborators in management
24 positions at Intel, hindered efforts by Intel engineers to optimize the x86
25 architecture, which would have enabled x86 programmers to more effectively
26 compete against products from Intel's main shareholders, including Apple,
27 Qualcomm, and Nvidia. That blocked effort compelled the group of Intel
28 engineers to relocate to Apple, leading to the development of the proprietary M1

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1 chip. Apple, a major Consortium Participant, then ended its usage of Intel x86,
2 replacing it with the more efficient technology that originated at Intel.

3 597. The design effort of Apple's M1 chip gave Apple complete control
4 over software that can run on its devices, further weakening competition and
5 advancing the Consortium's strategic objectives, while also weakening Intel's
6 position in the market. This is the same level of control that Microsoft is
7 attempting to impose by tricking Windows users into using Qualcomm's so-called
8 Windows processes, which are incompatible with Windows.

9 598. The Consortium's ultimate goal is to replicate the damage done to
10 AMD when it was forced to sell its semiconductor manufacturing facilities by
11 splitting Intel manufacturing from its design. Splitting Intel would eliminate the
12 risk to the Consortium scheme, which brings trillions of dollars in windfalls to
13 those companies and their executives and will effectively end any possible
14 competition and independent computing that is not dependent on
15 Consortium-controlled central services.

16 C. PLAINTIFF'S TECHNOLOGY

17 599. Plaintiff's technologies directly conflict with the Consortium's
18 business model, methods, and strategic objectives. The conflict arose from
19 Plaintiff's design principles, which view tools, machines, and technology as an
20 extension of the human body and therefore design computation devices to amplify
21 and empower human capabilities. It conflicts with the Consortium's positioning
22 of computing as centrally distributed services that are fragmented and restricted
23 to increase costs and profits. Plaintiff's design supports the creation, acquisition,
24 and internalization of knowledge as well as the internalization of that knowledge
25 into a skill. Use of tools and machines involves the acquisition and development
26 of knowledge and skills. Computational devices are tools that provide general
27 programmability to their users. The restrictions and limits that are imposed by the
28 Consortium on users, illicit tying, exclusionary practices, restrictions, and the

1 dependency on central services directly conflict with the unification,
2 transparency, and unlimited freedom of usage and control that Plaintiff's products
3 are designed to provide. The 1936 Supreme Court interpretation of the 1914
4 Clayton Act stipulated that the usage of machines, leased or patented, should not
5 be limited in order to lessen competition or create a monopoly, which, as detailed
6 in this Complaint, is the Consortium's business model methods of operation and
7 strategic objectives.

8 600. The right for free, independent, unrestricted usage of computational
9 devices is based on a "linguistic" conception of human activities. Language
10 knowledge and skills are acquired by using it. Human usage of tools and
11 machines creates knowledge and skills just as learning to walk, speak, read, and
12 write does. Acquisition of complex skills is based on the same biological learning
13 and growth process known in linguistics as "internalization.". In free societies,
14 the fundamental freedom to acquire and use knowledge can only be restricted
15 when an intent to cause harm exists. The restrictions that Consortium Participants
16 imposed on the usage and programming of computational devices, from
17 x86-based computers to smartphones, are a violation of the law and the 1936
18 Supreme Court stipulation, just as restricting their usage for writing certain
19 content, which is not much different from the restrictions the Soviet Union
20 imposed on obtaining and using typewriters. The dependency on centrally
21 distributed services that the Consortium imposes makes such physical restrictions
22 obsolete, as the current situation in totalitarian states demonstrates. Unlimited use
23 of technology and tools should be protected when such use causes no harm to
24 individuals or society.

25 601. The constitution enshrines this protection: the right to exercise free
26 speech is a right to linguistic freedom. Similar to linguistic freedom, protection of
27 usage is not absolute and can be subject to limits due to potential harm resulting
28 from specific behavior. Existing antitrust laws and court decisions address the

1 freedom of machine usage, supporting Plaintiff's views on the matter. The 1936
2 Supreme Court Decision clarifies the Clayton Act, protecting commerce from
3 manipulation and undue limits on the use of machines.

4 602. The term "language" describes a set of tokens and grammar rules that
5 automate the writing of computer programs. Programs written in a computer
6 language can be translated by a computer into a list of CPU instructions or be
7 used like any other language to communicate ideas and information between users
8 of such languages. The term "language" refers to the fact that learning and
9 mastering these protocols requires the acquisition (or internalization) of tokens
10 and grammar, just as in human language. Computer languages are akin to the of
11 human languages, as they convey knowledge and information.

12 603. A CPU by its nature is a "language machine." As a Turing machine,
13 it is designed to process mathematical notations and solve mathematical
14 expressions and formulas. It is defined as a language machine since mathematics
15 can be defined as a language, and any human language expression can be
16 translated to a mathematical expression as any expression in any language can be
17 translated to any other language.

18 604. That linguistic nature of CPU devices conflicted directly with the
19 original business model of the computing industry that was founded to provide
20 information services and kept access to programming in the hands of
21 professionals rather than providing support for unlimited use of programming
22 languages. The development of semiconductor technology enabled the emergence
23 of personal computers and placed semiconductor-based CPUs, or language
24 machines, in the hands of consumers, igniting a conflict between industry and
25 consumers that persists today. Companies that provide information services
26 control the design and manufacturing of consumers' language machines,
27 necessitating the enforcement of antitrust laws with more scrutiny than in other
28 industries.

1 605. The invention of the semiconductor-based CPU not only facilitated
2 easy access to computational power, but also "commoditized" it. The conflict
3 stems from the linguistic nature of the CPU, which functions as a general
4 computing machine with general programmability capabilities. This linguistic
5 nature facilitates competition with services offered by the same companies that
6 control the design and manufacturing of these language machines, thereby
7 enabling competition with their own offerings. Imposing limits on CPU usage by
8 its owners, from individual consumers to large corporations and government
9 agencies, serves the industry agenda and is the key to the Consortium's very
10 existence.

11 606. The conflict arises between the merchandising of knowledge, which
12 formed the foundation of the computer industry, and the explicit freedom of
13 consumers to use their machines freely, as stipulated in the 1936 Clayton Act
14 decision by the Supreme Court.

15 607. Free usage encompasses the utilization and production of knowledge,
16 such as the development of programs. Under the Consortium's control, the
17 computer industry monetizes, withholds, packages, and sells this knowledge
18 itself, including knowledge that is critical for the use of consumer machines,
19 rather than selling the products that process knowledge without limiting their
20 usage as the law requires.

21 608. There is an unambiguous difference between knowledge that enables
22 the design and creation of a product and the knowledge required for that
23 product's usage and repair. Trade secrets, patents, or copyrights may protect
24 knowledge pertaining to the design and creation of a product. Such knowledge is
25 typically not necessary for the usage of products. Knowledge that enables the
26 usage and repair of a product should not be withheld from its users. Nor should
27 there be a limit on the ability of users to create knowledge that enables, expands,
28 or automates the usage of their devices.

1 609. The Consortium regularly imposes such limits on x86-based computer
2 users, disguising them as updates that purposefully cause incompatibility.

3 Security flaws that were intentionally designed to justify such updates are used to
4 force consumers to abandon their hard-earned knowledge and pay for expensive
5 product designs by the Consortium not to satisfy market demand but to increase
6 the Consortium's profits and to limit the creation of knowledge by x86-computer
7 users in order to cement the Consortium's market dominance and its hold on
8 technology.

9 610. This Complaint details two flagrant examples of this practice: the
10 blocking of programs written by non-Consortium programmers from accessing
11 x86 CPU interrupt instructions, which the Consortium achieved by tying
12 Microsoft Windows with x86-based computers. Meanwhile, operating system and
13 server-based programs, which are the Consortium's main monetization method,
14 enjoy significantly more efficient access to the x86 CPU due to their design. The
15 other flagrant example is the tying of CPUs and modems in the cable modem that
16 Internet Service Providers, who are Consortium Participants, are forcing
17 consumers to use in order to block direct communication and data sharing
18 between Internet users.

19 611. Before personal computers arrived in the late 1970s, IBM's business
20 model included monetization of the knowledge required for usage of their
21 computers. The consulting-oriented model, which utilizes knowledge control to
22 influence consumer purchasing decisions, is in conflict with antitrust law, as
23 stipulated by the 1936 Supreme Court. The widespread availability of personal
24 computers to consumers eliminated the "consulting" aspect of this model, leaving
25 only the manipulation of product design and market to restrict consumers'
26 freedom to use the machines they had purchased.

27 612. The application of antitrust law must be preemptive to prevent the
28 destruction of innovation, competing technologies, and products that are

1 discriminated against and blocked. The events detailed in this Complaint illustrate
2 why Milton Freedman's claim in his letter to the court in the 1998 case v.
3 Microsoft that antitrust law suppressing innovation is the opposite of truth. By the
4 time the government took action to enforce antitrust laws against Microsoft, it
5 had irreversibly destroyed technology and innovation, causing damage to
6 consumers across all sectors of the economy.

7 613. The same argument applies to Judge Bork's approach to antitrust law,
8 waiting to see the impact on the market before taking enforcement action. By the
9 time the impact on consumers is evaluated, technologies and products were
10 destroyed and lost. The law must be preemptive. Law that prohibits the
11 attempting of murders cannot be interpreted to allow authorities to wait and see if
12 the killing has actually occurred before taking action.

13 614. The application of antitrust law should be most effective when
14 brought up by competitors and consumers when it applies to specific technologies
15 and practices. The fundamental protection consumers need should not be limited
16 to less consequential violations that define additions to products, such as the
17 addition of a Microsoft browser to Windows, as tying, but from the unfair
18 advantage Microsoft enjoys that affects all its products and those of its
19 competitors, as well as the fundamental right to freely use these products.

20 615. Plaintiff's intervention in the 1998 Government v. Microsoft case was
21 aimed at focusing the case on the primary damage to consumers, the limits on the
22 usage of x86-based computers, rather than the mostly moot issue of competition
23 in the operating system that, in practicality, has no relevance to consumers.
24 Dominating standards, as demonstrated by the Intel-AMD x86 PC standard and
25 the industry it created, offer distinct advantages to consumers, sometimes even
26 extraordinary ones. The damage to consumers stems from deliberate restrictions
27 that are imposed on that standard to limit and restrict usage of the product,
28 x86-based computers, for the benefit of the standard setters, who become

1 gatekeepers of consumer-owned product usage, solely for their own benefit.

2 616. The Consortium's business model relied on restricting the ways in
3 which consumers could use computers, thereby controlling and limiting the free
4 use of language. This resulted in the intentional destruction of languages, despite
5 their popularity and essentiality for consumers.

6 617. Incompatibility with x86 software products on x86-based computers
7 are achieved by tying to x86-based computers software products that are designed
8 to introduce such incompatibility, as is the case with Microsoft Windows.

9 Incompatibility is the driving force behind Microsoft and Qualcomm's efforts to
10 develop a new chip, which aims to supplant the relatively open x86 standard and
11 the investment made by its users in the languages, knowledge, and software it
12 supports. Microsoft, taking advantage of its monopolized operating system
13 market, is misusing its Windows trademark to mislead consumers into purchasing
14 incompatible computers, thereby robbing them of their knowledge and language,
15 to the detriment of consumers and the economy, who rely on x86 standards. This
16 effort violates antitrust, trademark, and consumer protection laws, targeting not
17 only Intel and AMD, who support the relatively open x86 hardware standard, but
18 also Microsoft's own customers, depriving them of their knowledge, investment,
19 and languages that they purchased from and relied on Microsoft.

20 618. Microsoft and Qualcomm's attack on the x86 standard and its users is
21 an attempt to replicate the illegal practices that Apple and Google established in
22 the smartphone market and apply them to the x86-based personal computing
23 market. The practices in the smartphone market were designed to harvest the
24 usage of their products by mandating tied, centrally distributed services, while
25 also preventing the competition that is the norm, albeit under attack, on
26 x86-based computers. Apple and Google restrict smartphone programming by
27 their owners, mandating centrally distributed applications that rely on Apple and
28 Google services and enable the harvesting of customers' information and data.

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Using various illegal tying methods, they protect their business model and profits by suppressing independent programming of consumers' smartphones' CPUs, in violation of the 1936 Supreme Court decision. They profit from this restriction on product usage, which forces consumers to purchase and use tied services and products. The Consortium is attempting to destroy the x86 standard in order to establish those practices in personal and business computing.

7 619. A recent court decision in a case against Google ordered the opening
8 of its application environment to competing applications. However, the decision
9 fails to address the fundamental definition of the CPU as a language machine,
10 which implies that its use for general programmability warrants protection.

11 620. Plaintiff technology, by its nature, was designed and is used to
12 eliminate the dependency on Microsoft and the Consortium. As this Complaint
13 details, Microsoft is a founding Consortium Participant and one of its primary
14 beneficiaries, and it has no ambivalence regarding its support for the Consortium.
15 Intel and AMD, their shareholders, users of x86-based computers, and the overall
16 economy suffer significant losses as the result of the Consortium's actions. Intel
17 can reverse the Consortium wrong; thanks to the integration of its design and
18 manufacturing, but it was "kidnapped" by the financial arm of the Consortium
19 and is under attack aimed at ending any potential challenge to the Consortium.
20 AMD, after losing its integrated design and manufacturing as a result of forcing
21 the Consortium to accept its popular 64-bit x86 extension standard, its willingness
22 to collaborate with Plaintiff in ending its dependency on Microsoft, and its
23 current competitive position in regard to Nvidia, is operating literally under a
24 hanging sword and is being forced to protect the Consortium by limiting its
25 offering and competitiveness. The following two paragraphs, taken verbatim from
26 AMD's 10-K 2024 filing, partially reference the risk AMD faces.

Economic and Strategic Risks (AMD 10-K)

²⁸ Intel Corporation's dominance of the microprocessor market and its

1 aggressive business practices may limit our ability to compete
2 effectively on a level playing field. Intel's microprocessor market
3 share position, significant financial resources, introduction of
4 competitive new products, and existing relationships with top-tier
5 OEMs have enabled it to market and price its products aggressively,
6 to target our customers and our channel partners with special
7 incentives and to influence customers who do business with us. These
8 aggressive activities have in the past resulted in lower unit sales and a
9 lower average selling price for many of our products and adversely
10 affected our margins and profitability. Intel also dominates the
11 computer system platform and has a heavy influence on PC
12 manufacturers, other PC industry Participants, and benchmarks. It is
13 able to drive de facto standards and specifications for x86
14 microprocessors that could cause us and other companies to have
15 delayed access to such standards. We may be materially adversely
16 affected by Intel's business practices, including rebating and
17 allocation strategies and pricing actions, designed to limit our market
18 share and margins; product mix and introduction schedules; product
19 bundling, marketing and merchandising strategies; and exclusivity
20 payments to its current and potential customers, retailers and channel
21 partners. We expect Intel to continue to heavily invest substantial
22 resources in marketing, research and development, new
23 manufacturing facilities and other technology companies. To the
24 extent Intel manufactures a significantly larger portion of its
25 microprocessor products using more advanced process technologies or
26 introduces competitive new products into the market before we do,
27 we may be more vulnerable to Intel's aggressive marketing and
28 pricing strategies for microprocessor products. We also compete with

1 Intel in field programmable gate arrays (FPGAs) and Adaptive SoC
2 products. In the graphics processing unit (GPU) market, Intel has
3 developed and released their own high-end discrete GPUs, including
4 gaming focused discrete GPUs. Intel could take actions that place our
5 GPUs at a competitive disadvantage, including giving one or more of
6 our competitors in the graphics market preferential access to its
7 proprietary graphics interface or other useful information or
8 restricting access to external companies.

9 (and about Microsoft AMD's 2024 10-K filing)

10 If we lose Microsoft Corporation's support for our products or other
11 software vendors do not design and develop software to run on our
12 products, our ability to sell our products could be materially adversely
13 affected. Our ability to innovate beyond the x86 instruction set
14 controlled by Intel depends partially on Microsoft designing and
15 developing its operating systems to run on or support our x86-based
16 microprocessor products. With respect to our graphics products, we
17 depend in part on Microsoft to design and develop its operating
18 system to run on or support our graphics products. Similarly, the
19 success of our products in the market, such as our APU products, is
20 dependent on independent software providers designing and
21 developing software to run on our products. If Microsoft does not
22 continue to design and develop its operating systems so that they
23 work with our x86 instruction sets or does not continue to develop
24 and maintain their operating systems to support our graphics
25 products, independent software providers may forego designing their
26 software applications to take advantage of our innovations and
27 customers may not purchase PCs with our products. In addition, some
28 software drivers licensed for use with our products are certified by

1 Microsoft. If Microsoft did not certify a driver, or if we otherwise fail to
2 retain the support of Microsoft or other software vendors, our ability to
3 market our products would be materially adversely affected.

4 621. Operating under the Consortium, AMD fails to mention in its 2024
5 10-K filing that the x86 standard is an open standard. Intel, on the other hand,
6 does mention it in its 2024 10-K, adding to the conflict between the Defendant
7 and Gelsinger that ended with Gelsinger's ejection from the company.

8 622. The maintenance of x86 hardware compatibility by Intel and AMD,
9 despite Intel's past anti-competitive actions, has created the most valuable
10 technical asset available to consumers today. The Consortium's strategic
11 objectives directly clash with this valuable asset. The primary goal of this
12 Complaint is to liberate both x86 programmers from the illegal restrictions on
13 their ability to program x86-based computers, and the x86 semiconductor
14 companies from the Consortium's undue influence, which is attempting to destroy
15 the standard.

16 623. The five decades of technology manipulation and destruction of
17 semiconductor-related technologies created and widened a significant gap between
18 existing products and the potential products that the underlying technology can
19 enable. In an economy that depends on computational technology, that gap
20 reflects blatant violations of antitrust law and significant losses to consumers and
21 the economy.

22 **D. THE DESTRUCTION OF INTEL MANUFACTURING**

23 624. The Consortium's main technology Participants, Microsoft, Apple,
24 Amazon, Nvidia, and Qualcomm "along with the three index-based funds that
25 own the largest block of Intel's shares, are acting to force Intel to give up its
26 unique technological advantage. Intel's advantage stems from having its design
27 and manufacturing combined under one roof and an unmatched accumulated
28 investment in R&D design and manufacturing. Intel is in a unique advantageous

1 position that is stated as the company's mission filed in the 2024 10-K form,
2 where its dominant x86 standard and its semiconductor fab services are
3 positioned to enable competitors that can challenge Consortium Participants and
4 the Consortium's long-term objective to centralize the market under the
5 dominance of Consortium Participants. To maintain their market position and
6 stock market gains and prevent entry into the market by competitive technologies
7 that could jeopardize their long-term goals the Consortium Participants started a
8 campaign in 2009 with an effort to weaken Intel and the x86 architecture. The
9 campaign intensified in 2012 with Defendant Bryant being positioned as Intel's
10 board chairman.

11 625. Having both design and manufacturing in the same corporate entity
12 allows design and manufacturing engineers to share knowledge that is otherwise
13 considered highly secretive and protected as corporate secrets. That integration
14 makes it possible to achieve optimization levels and efficiency that would be
15 impossible without it. It also facilitates the implementation of original
16 semiconductor intellectual property (IP), which necessitates this level of
17 integration. That level of optimization and integration put the Consortium's
18 strategic objectives at risk as it allowed Intel to empower potential competitors as
19 well as reduce end users' dependency on the Consortium's services. Inefficiency
20 that leads to more power use protects the Consortium because it forces the market
21 to rely on centrally distributed computation by limiting powerful computation to
22 just a few Consortium Participants that are big enough to build the infrastructure
23 that is needed. Under the Consortium's undue influence, Intel participated in the
24 destruction of low-power semiconductor technology, as well a blocked Plaintiff's
25 technology from reaching the market.

26 626. The shared engineering knowledge, experience, and flexibility that
27 stem from having both design and manufacturing in the same corporate entity
28 help fulfill consumers' expectations and give Intel a much stronger position in

1 dealing with competitors and collaborators alike. Intel's unique position is
2 essential for solving critical issues faced by the semiconductor and computing
3 industries, such as power consumption and manufacturing yield rates. Such
4 technological advancements not only reduce the cost of computing for consumers
5 but also empower them, thereby undermining the Consortium's long-term
6 strategic objective.

7 627. AMD, which was forced by the Consortium to sell its manufacturing
8 facilities, is currently outsourcing the manufacturing of its semiconductor devices
9 to Taiwan's TSMC. As a result, AMD design engineers can only be exposed to
10 limited information about the actual capabilities available in the TSMC
11 semiconductor manufacturing mode used for a particular manufacturing node, as
12 that information is shared with other semiconductor design companies that are
13 using the same manufacturing node; hence, the tolerance for errors must limit the
14 flexibility of the design.

15 628. TSMC provides its clients, AMD among them, with a Production
16 Design Kit (PDK), which outlines the numerous design rules that the design must
17 adhere to in order to prevent the failures due to designs that exceed these rules.
18 To maximize yields, a PDK must restrict design flexibility. On the other hand,
19 Intel engineers have unrestricted access to manufacturing information, which
20 facilitates collaboration between design and manufacturing engineers that enable
21 them to adjust the design to manufacturing and the manufacturing to the design, a
22 level of collaboration that AMD and TSMC engineers are unlikely to achieve due
23 to the need to update a PDK with any change to the manufacturing process that
24 impacts other companies. Such separation makes it much more difficult and less
25 economical to introduce new competitive IP.

26 629. AMD lost that level of integration when it came under attack by the
27 Consortium and was forced to sell its manufacturing division and become a
28 "fabless" semiconductor design company that outsources its semiconductor

1 manufacturing. Between 1999 and 2003, before AMD lost its manufacturing, it
2 was able to introduce the 64-bit x86 update and forced Intel and Microsoft to
3 accept it despite significant resistance from the Consortium that preferred more
4 expensive technology at the 64-bit level. AMD is significantly more restricted in
5 its power to compete as it must obtain manufacturing capacity from a single
6 foreign supplier, TSMC. AMD must compete for this premium manufacturing
7 capacity with its main competitors, Nvidia and Apple, both larger than AMD,
8 who rely on the same single-source supplier for their main products. As a result,
9 AMD is forced to follow standards dictated by the Consortium and enforced by
10 Microsoft and Intel.

11 630. The Consortium that forced AMD to sell its manufacturing is
12 determined to do the same to Intel. The Consortium is using the same
13 tried-and-tested methods that were used in the attack against AMD and other
14 companies like Ashton-Tate and Borland International, which fell victim to
15 antitrust violations by the Consortium. These methods include using financial
16 clout to place executives and officers who act as Trojan horses inside the
17 companies to further the Consortium's goals, using propaganda against the
18 companies, and applying financial pressure and misleading financial offers. Intel
19 is the target of the same methods. Plaintiff witnessed such deleterious behavior by
20 Consortium Participants during the attack on Ashton-Tate that brought its demise.
21 Investment companies, acting on behalf of the Consortium, positioned directors
22 and executives to push out the company's most effective, productive, and
23 experienced managers and designers.

24 631. At the time of Defendant Bryant's appointment to Intel's chairman
25 position, Intel's two top executives were Intel president Renée J. James and
26 Intel's head of semiconductor architecture, David Perlmutter. In the attempt to
27 weaken Intel by separating it from its manufacturing, the same exact
28 tried-and-tested formula was used, and the two were forced out of the company.

1 632. Defendant Andy Bryant succeeded Jane Shaw as executive chairman
2 in May 2012. Bryant lacked manufacturing or design qualifications, and during
3 his managerial tenure at Intel, the company engaged in blatant violations of
4 antitrust laws. Bryant, however, matched the Consortium objectives. He was
5 hired to serve as Andrew Grove's assistant to help Grove minimize his direct
6 communication with Microsoft's Bill Gates while forming the "Wintel Cartel"
7 and help in establishing official communications channels with Microsoft after the
8 1981 U.S. D.O.J. arrest of American Airlines CEO for a phone conversation that
9 violated antitrust law.

10 633. Defendant Bryant was responsible for numerous anticompetitive acts
11 on behalf of Intel and the Wintel Cartel, resulting in significant DOJ fines for
12 Intel. Defendant Bryant also contributed to AMD's near-death experience, which
13 forced AMD to sell its semiconductor manufacturing facilities.

14 634. Defendant Bryant was selected and positioned as Intel's chairman by
15 the Consortium using the index-based funds' financial clout, and he was tasked
16 with accomplishing the same separation at Intel that the Consortium forced on
17 AMD, this time acting on behalf of the Consortium against his own company and
18 violating its professional and fiduciary duties.

19 635. In November 2012, Intel's president and CEO, Paul Otellini,
20 announced that he would step down in May 2013. During a six-month transition
21 period, Intel's board of directors commenced a search process for the next CEO,
22 in which it considered internal managers and external candidates, including
23 Patrick Gelsinger.

24 636. Defendant Bryant positioned Brian Krazenich as part of the
25 Consortium's scheme to undermine Intel, particularly its manufacturing
26 capabilities. This was done to shield the Consortium from Intel's inherent
27 growth, a result of its substantial R&D investments, and its established market
28 position as the most advanced semiconductor manufacturing company in 2012,

1 with a two-year advantage over its nearest manufacturing competitor. The
2 resulting ability to place increasing amounts of computational power in the hands
3 of independent x86 developers like Plaintiff and consumers would have
4 effectively ended the Consortium's scheme and the meteoric share value rise of
5 its designated stock market stars.

6 637. Before Intel's CEO, Otellini, and Intel's chairwoman, Jane Show,
7 departed, Consortium Participants, including Defendant Bryant, determined
8 Krazenich's choice for the CEO position and shared it with then-chairwoman
9 Jane Show. On May 2, 2013, Executive Vice President and COO Brian
10 Krazenich was selected as Intel's CEO, a selection that became effective on May
11 16, 2013.

12 638. Defendant Bryant and the new CEO, Krazenich, proceeded
13 immediately to force out both Intel's manufacturing strategists and its most
14 knowledgeable leaders. Renée James, who was Intel president, and David
15 Pearlmuter, Intel chief technology and its highest semiconductor design and
16 manufacturing expert, were moved out of the decision chain and eventually
17 forced to resign.

18 639. Defendant Bryant and CEO Krazenich proceeded to cancel Intel's
19 most important strategic investment in manufacturing, the latest ASML
20 high-density chip-making machine, which was being readied in collaboration with
21 Intel's engineers for delivery to an Intel manufacturing facility. That machine
22 represented a strategically crucial step for Intel's multi-year planned investment to
23 stay abreast of Moore's law at the front edge of the global semiconductor
24 manufacturing industry.

25 640. Defendants Bryant and Krazenich stopped the delivery of the first
26 EUV (Extreme Ultra Violet) ASML semiconductor manufacturing machine that
27 was developed in collaboration with Intel engineers and was ready for delivery to
28 Intel. The machine was sent instead to Taiwan's TSMC. While TSMC moved

1 forward with the adaptation of EUV technology, Intel fell behind, creating a
2 multi-year gap behind TSMC's high-density chip manufacturing capabilities.
3 Defendant Bryant and Krazanich kept delaying Intel's adaptation of EUV
4 technology, a technology that was developed with Intel collaboration and
5 financing, demoralizing Intel's engineers and growing Intel's gap behind its
6 competitors until their forced departure from Intel.

7 641. Eventually, the demise of Intel manufacturing was halted by a
8 backlash. Concern about the destruction of Intel by Intel's shareholders that are
9 not part of the Consortium and governmental agencies concern about the
10 destruction of their semiconductor supply chain and the detrimental impact on
11 security, economic, and geopolitical U.S. position stopped the effort to separate
12 Intel from its manufacturing. It will take years to rectify the technological delay
13 and damage to Intel's position, and these issues continue to impact both Intel and
14 the US semiconductor industry today.

15 642. Defendant Bryant's and CEO Krazanich's actions were designed to
16 prevent potential competition against the Consortium that required a level of
17 integration between semiconductor design and manufacturing that only close
18 collaboration under a single roof can provide. AMD, the only other x86 device
19 manufacturer, had to sell its manufacturing operation, making the implementation
20 of Plaintiff's technology, which AMD Chairman Jerry Sanders enthusiastically
21 viewed, practically impossible.

22 643. Defendant Bryant and CEO Krazanich dismantled Intel's smartphone
23 line and investment in the mobile versions of x86 devices, stopping Intel's move,
24 against any sensible business judgment, into the largest computing market
25 segment as that segment expanded taking market share from Intel's
26 bread-and-butter x86-based computers.

27 644. Following a Plaintiff's presentation to Intel about potential competitive
28 technologies that could have affected the smartphone market, the Defendants

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1 moved to sell Intel's smartphone modem department to Apple. At the time, this
2 department was selling smartphone modems to a Consortium Participant, Apple,
3 and successfully competing with another Consortium Participant, Qualcomm, that
4 also sold smartphone modems to Apple.

5 645. Defendant Bryant and CEO Krazanich effectively destroyed Intel's
6 leadership position in the semiconductor market and destroyed its ability to
7 participate in the smartphone market in order to protect the Consortium from
8 potential competition and enable the continuation of the meteoric rise of
9 Consortium companies shares that both invested in. That unprecedented and
10 exorbitant rise benefited the individuals behind the Consortium's scheme,
11 including Defendant Bryant and Brian Krazanich, by purchasing significant
12 shares of the companies impacted by their actions.

13 646. As the Intel predicament became known, pressure mounted on
14 Defendant Bryant and CEO Krazenich to resign and on Intel's main shareholders
15 to take corrective action to correct what was in fact the result of their own
16 intentional effort. After Krazenich departure an article in an influential
17 professional mainstream magazine describe Bryant and Krazenich era at Intel as
18 "Krazenich reign of terror."

19 647. Defendant Ishark was chosen by the Consortium to replace Defendant
20 Bryant in order to try to complete the effort to weaken Intel by outsourcing its
21 semiconductor manufacturing to the Far East. Omar Ishark was selected as Intel
22 Chair based on his experience at Medtronic, a major U.S. company that, under
23 Ishark's chairmanship, was moved to Ireland to avoid U.S. laws and regulators
24 after a myriad of illegal activities in the U.S. and abroad.

25 648. The attempt to force Intel to outsource its manufacturing to the Far
26 East, which started even before Jane Shaw was replaced by Andy Bryant as
27 Intel's Chairman in May 2012, was supposed to end on January 13, 2021, when
28 Intel announced the selection of former Intel's chief technology officer, Pat

1 Gelsinger, as its new CEO. That, however, did not stop the Consortium effort.
2 Despite Omar Ishark's removal as Intel chairman, the Consortium persists in
3 safeguarding the scheme that generates billions in corporate and personal profits
4 by continuing to damage Intel. The damage to Intel that resulted from
5 decades-long abuse documented in this Complaint is impossible to fix while
6 Consortium Participants are Intel's largest shareholders that are continuing to
7 benefit from the protection from competition Intel is being forced to provide, a
8 protection that is shifting the market into dependency on toll-based, centrally
9 distributed services and products.

10 **E. DEFENDANT BRYANT IMPACT ON INTEL**

11 649. Defendant Bryant joined Intel in 1981 as then-CEO Andy Grove's
12 assistant. His responsibilities included coordinating Intel's relations and
13 product-tying coordination with Microsoft, which positioned him as the Wintel
14 Cartel's and later the Consortium's point man at Intel. He eventually oversaw
15 several Intel departments simultaneously, including the HR (Human Resource)
16 department, where, to overcome resistance from engineers and managers to
17 management directives to implement predatory design, he devised hiring
18 strategies that prioritized the recruitment and promotion of engineers and
19 managers who were inclined to follow such directives and the ejection from the
20 company of personnel who resisted such directives. These strategies have
21 influenced Intel's hiring practices to this day. Microsoft, encountering similar
22 resistance, replicated those hiring methods.

23 650. Between 2008 and 2010, Intel started offering x86 IP as part of a
24 turnkey custom foundry chip manufacturing service to semiconductor design
25 companies under the name CIAF (Custom Intel Architecture Foundry). Intel
26 wanted to open the market to the x86 standard, which became the Internet's
27 common language. Allowing potential competition in the market by independent
28 developers, including Plaintiff, the starting of CIAF escalated the conflict with

1 the Consortium's ultimate goal of locking the market into exclusive, centrally
2 distributed services that were monetized as publicly traded shares to enrich its
3 Participants. The Consortium recognized that Intel's technological advances, at
4 the time ahead of the industry, empowered the market and disrupted their
5 pre-existing strategy that was already succeeding in the smartphone market. The
6 Consortium moved to plan a complete takeover of Intel, a destruction of the x86
7 standards, and a weakening of U.S. semiconductor manufacturing to prevent any
8 challenges to their strategy. As part of this plan, Defendant Bryant, who, as an
9 Intel employee and, with the help of the Consortium, became Intel's largest
10 individual shareholder, was positioned to become Intel's chairman.

11 651. With influence on Intel that came from holding the largest block of
12 Intel's shares, the Consortium positioned Defendant Bryant as Intel's chairman.
13 He assumed that position in 2012. As compensation for his actions, Defendant
14 Bryant amassed billions of dollars and rose to become the largest individual
15 shareholder of Intel, owning approximately three billion dollars of Intel's shares,
16 surpassing Intel's founders. He leveraged this position to further the
17 Consortium's objectives within Intel. His tenure as Intel's chairman started with
18 the appointment of Krazanich as Intel's CEO and the forced departure of Intel's
19 top engineers and managers. Defendant Bryant moved to eliminate the risk to the
20 Consortium by ensuring that Intel's semiconductor competitive position, which
21 was two years to three ahead of its nearest competitors, could not empower x86
22 PC and smartphone users and potential competitors, which would have stopped
23 the Consortium stock market scheme. Acting to protect Consortium Participants'
24 ongoing windfall profits, Defendant Bryant irreversibly harmed Intel's
25 semiconductor technology and competitiveness, the x86 standard, its users, and
26 Plaintiff. The destruction of Intel's semiconductor technology and
27 competitiveness weakened the U.S.'s global position and the U.S. economy while
28 simultaneously contributing to an unprecedented increase in the value of

1 Consortium Participants', including Defendant Bryant's, publicly traded shares.

2 652. To enable the destruction of Intel's semiconductor manufacturing,
3 Defendant Bryant forced out Intel's top managers and semiconductor engineers,
4 including Renée J. James, who served as the company's president, and Dadi
5 "David" Perlmutter, who oversaw processor design. After Krazaanich's departure,
6 an article in an influential professional mainstream magazine described Bryant
7 and Krazaanich's era at Intel as the "Krazaanich reign of terror." Defendant Bryant
8 and CEO Krazaanich, who held the two top positions at Intel, were selling their
9 Intel shares in anticipation of the company's demise as they executed the
10 Consortium's strategy. By the time they both left the company, they owned a
11 negligible amount of Intel shares.

12 653. As soon as Defendant Bryant and Krazaanich pushed out Intel's top
13 business and semiconductor experts, they moved to hinder Intel's critical
14 investment in its Moore's Law cyclical manufacturing update by canceling a
15 delivery of the first ultraviolet semiconductor manufacturing (EUV) machine that
16 was developed by ASML in collaboration with Intel engineers and was ready for
17 delivery to an Intel site in the USA. Instead, they redirected the machine to
18 TSMC in Taiwan, aiming to undermine Intel's manufacturing capabilities and
19 compel the company to outsource its semiconductor manufacturing to TSMC.

20 654. Defendant Bryant and Krazaanich proceeded to discontinue and
21 effectively destroy Intel's significant investment in x86 smartphones, as well as
22 its competitive smartphone product line. Intel's 5G wireless modem unit was
23 subsequently sold to a Consortium company, Apple, in a move designed to make
24 it more difficult for a new management team to restore Intel's competitiveness in
25 a computing market and technology that is rapidly shifting with miniaturization
26 into mobile computing.

27 655. As the government and the majority of shareholders became
28 concerned about the damage to Intel and the US semiconductor global position,

1 pressure to right the company by returning an experienced Intel engineer to the
2 CEO position and replacing Intel's chairman was mounted. Pressure to turn the
3 company around by restoring an experienced Intel engineer to the CEO position
4 and replacing Intel's chairman grew, and dictation with Gelsinger about his return
5 to the company started. In a desperate attempt to halt Intel's decline, the
6 Consortium appointed a non-engineer CEO who lacked experience in
7 semiconductor design or manufacturing, despite his brief tenure at Intel. Robert
8 (Bob) Holmes Swan became the temporary CEO of Intel in January 2019 and
9 served until February 15, 2021. A number of steps were taken by the Consortium
10 to prepare for Gelsinger's return and prevent a successful recovery of the
11 company, including the positioning of Consortium Participants in key Intel
12 positions and the sale of Intel's 5G modem department to Apple before Gelsinger
13 returned to the company.

14 656. Gelsinger returned to Intel as CEO in 2021 after concerns about Intel
15 as well as the U.S. global position forced the Consortium to pretend to reevaluate
16 its strategies. Under his leadership, Intel aims to regain its competitive edge in
17 semiconductor manufacturing and innovation, focusing on advanced technologies
18 and increased production capacity to meet growing global demand. Gelsinger's
19 early impact on Intel after its return included repositioning semiconductor
20 manufacturing and design and the x86 CPU standard as the highest priority of
21 Intel, delivering on Intel's mission to allow semiconductor manufacturing to
22 independent developers by the fab services department. Defendant Ishrak, who
23 had replaced Defendant Bryant as Intel chairperson, was replaced after
24 Gelsinger's arrival with Defendant Yeary. However, both Defendant Ishrak and
25 Defendant Yeary participated with and followed Defendant Bryant in erecting
26 barriers for a possible recovery and opening Intel to competition by placing
27 Consortium participants in key positions and selling the Intel 5G modem
28 department.

657. The damage done by the Consortium to Intel manufacturing, the U.S. semiconductor industry, the x86 standard, and the U.S. economy and global position between 2009 and 2021 is continuing because Consortium Participants have yet to lose their undue influence inside and outside the company and its environment. For Intel to recover and, with it, U.S. semiconductor manufacturing, the Consortium's power to influence the company and manipulate its decisions and strategy must end.

E. DEFENDANT BARBARA G. NOVICK

658. Defendant Barbara G. Novick, a Consortium Participant as defined and detailed in this Complaint, joined Intel's board of directors in December 2022. As a co-founder of BlackRock, an index-based fund and the world's largest asset manager, she wields unparalleled influence over Intel's board members. BlackRock holds the largest, or nearly the largest, block of shares not only of Intel, but also of all or most of the other companies in which Intel directors hold various positions.

659. Defendant Novick's dual roles at BlackRock and Intel present an unparalleled degree of conflict of interest. Defendant Novick's conflict of interest arises from BlackRock's reliance on suppressing and manipulating Intel's technologies to protect its primary source of profitability "the appreciation of companies that form the backbone of BlackRock's rising value. BlackRock is currently involved with lucrative companies such as Microsoft and Nvidia in massive projects that have the most to lose from competition and low-power technologies that Intel is not allowed to enable, including Plaintiff's technologies. The importance and criticality of suppressing and manipulating Intel's semiconductor technology and the x86 standard for BlackRock's ability to continue its stock market scheme, a scheme that justifies BlackRock very existence, was the reason that Defendant Novick joined Intel's board after Gelsinger returned to the company.

1 660. BlackRock manages index-based funds, investment funds, and various
2 business activities under one umbrella. Its clout as the holder of index-based
3 shares gives it influence over all major companies. Intel's board members ignore
4 Defendant Novick's conflict of interest because they benefit from companies
5 where BlackRock wields significant influence. More than any other index-based
6 fund, BlackRock manages direct investments in technology companies that rely
7 on the suppression of competition in the U.S. semiconductor industry and on the
8 protection that the suppression and manipulation of Intel technology and
9 manipulation of its policies and products provide.

10 661. BlackRock's wealth is primarily derived from its holdings,
11 investments, and partnerships with Consortium Participants companies that have
12 grown and prospered due to the manipulation, suppression, and destruction of
13 technologies and competition. It provided BlackRock's investments with an unfair
14 market advantage that caused their value to soar. BlackRock has targeted the
15 semiconductor, software, and lately AI and related energy infrastructure as its
16 profit center. The manipulation of Intel technologies and products, as detailed in
17 this Complaint, has resulted in the accumulation and appreciation of a vast
18 amount of capital under BlackRock control. Microsoft, Apple, Amazon, Nvidia,
19 Qualcomm, CrowdStrike, Smartsheet, the GAIIP AI energy initiative with
20 Microsoft, Internet service providers, and cellular phone service companies
21 publicly traded shares rise as a result of weakening Intel and competitors who
22 depend on it, including Plaintiff. The rise in their share value represents a
23 significant portion of BlackRock's capital. Its continued rise hinged on the
24 suppression of Intel, the U.S. semiconductor industry, and competitors such as
25 Plaintiff, who depend on Intel. Defendant Novick joined Intel's board to protect
26 the continued growth of BlackRock's capital and consequently the survival of
27 BlackRock's clout and the Consortium; both depend on the suppression of Intel's
28 technology and competitive technologies such as Plaintiff's that depend on it, as

1 detailed in this Complaint.

2 662. Defendant Novick, a co-founder of BlackRock, joined Intel's board
3 of directors at a time when the newly appointed CEO, Gelsinger, was reversing
4 the plan to force Intel to outsource its manufacturing. This plan was initiated with
5 the installation of Defendant Bryant as Intel Chair and was supposed to be carried
6 on by his replacement, Defendant Ishark. As a result of Gelsinger's appointment
7 to the CEO position and the failure of other board members to impede his efforts,
8 BlackRock found itself facing a risk that could reverse its fortune.

9 663. Defendant Novick's position at BlackRock, a company that relies on
10 the exorbitant market cap growth of technology companies that depend on
11 suppressing Intel technology and competitors such as Plaintiff, has the ability to
12 provide her BlackRock colleagues with Intel's confidential information, which
13 could be divulged to and utilized for the benefit of BlackRock and her colleagues.
14 With BlackRock's continued rise in the balance, her role as an Intel director
15 clashes with her BlackRock position.

16 664. The criticality of Intel technology to BlackRock's business goes back
17 to BlackRock's start in the 1980s. Its influence on Intel started long before the
18 Dot-com bubble burst in March of 2000, when Intel shares lost significant value
19 and became stagnant, forcing Intel officers and employees to invest their personal
20 investment portfolios in Consortium Participants shares.

21 665. Intel's board actions served BlackRock and the Consortium objectives
22 when the most damaging decisions to Intel were taken. Based on his
23 communication with Intel's employees that started before his agreement with
24 Intel, Plaintiff assumes that some information about his plans was shared with
25 Intel's directors and that some of that information influenced some of the most
26 detrimental decisions to Intel, such as the abandonment of Intel's x86 smartphone
27 line during a market shift from x86-based computers to smartphones and the sale
28 of Intel's cellular modem division to Apple. Such decisions could not have been

1 carried out without BlackRock's approval. Defendant Novick joined Intel's board
2 following Gelsinger's return, which hindered the board's ability to make
3 decisions detrimental to Intel.

4 666. Despite Intel's criticality to the global economy, in today's business
5 world, no company can operate without relying at least partially on Intel's
6 products, technology, or standards. Intel's market cap has stayed stagnant since
7 March of 2000, and its market value was only a fraction of the value of the
8 technology companies that constitute the dominant part of BlackRock's
9 investment portfolio. Intel, however, is the only company in the technology
10 sector to have a senior BlackRock executive on its board. Defendant Novick's
11 presence on Intel's board underscores the criticality of BlackRock's ability to
12 control Intel for the continuation of BlackRock and its scheme.

13 667. Defendant Novick has joined the Intel board as part of a plan detailed
14 in this Complaint that was devised by the Consortium to harm Intel and weaken
15 Intel's manufacturing by compelling Intel, its shareholders, its clients, and the
16 government to agree to separate its semiconductor manufacturing from its design.
17 The Consortium devised the plan to protect its strategic objective, recognizing
18 that Intel's technological advantage, which before 2012 put Intel in the unique
19 position of being two years ahead of its nearest manufacturing competitor and
20 with the integration of design and manufacturing potentially enabled a higher
21 level of product optimization and lower power computing, was inevitably and
22 unavoidably empowering independent companies and developers who oppose and
23 resist the Consortium's objectives. Intel's advance, supported by Intel engineers
24 and enabled by the integration of manufacturing and design, jeopardized the
25 Consortium's ultimate goal of consolidating computational power among
26 Consortium Participants and forcing consumers and companies to rely on
27 centrally distributed services from Consortium companies to allow the
28 Consortium to profit from the increasing value of their publicly distributed shares

1 due to the market's dependency on their exclusive services.

2 668. As part of the plan, Intel's accounting was manipulated to contribute
3 to the current crisis and present Intel manufacturing as the main reason for the
4 crisis. A derivative shareholders lawsuit, Case 5:24-cv-09121 Filed 12/17/24 in
5 United States District Court Northern District Of California, that was filed on
6 behalf of Intel detailed some of the manipulation and the culpability of Defendant
7 Novick. As a member of the Intel's audit and finance committee Defendant
8 Novick was well informed about Intel's predicament and participated in hiding it
9 as part of a plan to entrap Gelsinger and force his resignation after a series of
10 accomplishments that jeopardized the Consortium's plan were completed during
11 the summer of 2024.

12 669. Defendant Novick's influence at Intel's board reflects BlackRock's
13 interests and TSMC, in which it owns a significant block of shares. The
14 Consortium's strategic objectives of controlling semiconductor design options
15 heavily rely on TSMC's market dominance. Although TSMC (Taiwan
16 Semiconductor Manufacturing Company) is not a U.S.-based company, it trades
17 on the New York Stock Exchange (NYSE) under the ticker symbol TSM and
18 features in several U.S.-based indices, such as S&P 500 and NASDAQ-100.
19 TSMC is primarily held by institutional investors, with the largest blocks of
20 shares owned by the Taiwanese government, TSMC's founding families,
21 BlackRock, Vanguard Group, and State Street Global Advisors. The exact
22 percentage of ownership by these groups can change over time due to stock
23 buybacks, share issuance, and trading activity, but institutional investors typically
24 own the largest share of the company.

25 670. Defendant Novick's actions at Intel also benefit Vanguard, State
26 Street, and their prospectus subscribers. The purpose of these actions was to
27 increase the wealth of index-based funds and their prospectus subscribers at the
28 expense of Plaintiff and his clients. Without the tacit consent of Vanguard and

1 State Street, the two other index-based trading firms that collectively own a larger
2 block of Intel shares than BlackRock and that collectively own the largest block
3 of shares in all the companies that benefited from the unfair advantages and
4 protection that BlackRock's policies at Intel provided, those actions would not
5 have been possible.

6 **G. DEFENDANT FRANK D. YEARY, INTEL'S**
7 **CHAIRMAN**

8 671. Defendant Frank D. Yeary, a Consortium Participant as defined and
9 detailed in this Complaint, is the current Chair of Intel's Board of Directors.
10 Defendant Yeary joined Intel's board in March 2009. Among his tasks was
11 shoring up support for the protection of Nvidia, a Consortium's Unicorn stock
12 market run that was dependent on holding back Intel from providing x86 users
13 the ability to compete in the parallel computationally-intensive numerical
14 processing. To that end, engineering improvements to the x86 architecture were
15 removed from Intel's x86 architecture by Intel's board and management, and
16 Intel's vice president at the time, Pat Gelsinger, who advocated that competitive
17 design, was pushed out of Intel. Defendant Yeary was instrumental in the
18 Consortium plan to take direct control of Intel by positioning Defendant Bryant as
19 Intel Chairman. He participate in positioning Krazenich as Intel's CEO and the
20 ejection of the top Intel design and manufacturing engineers, the impediment of
21 Intel's adaptation of EUV manufacturing technology, the demoralization of Intel's
22 manufacturing and design talent that was described a "rain of terror". That
23 demoralization effort and the effort to impediment of Intel's EUV manufacturing
24 is continuing at the current time as Defendant Yeary is acting to eliminate Intel as
25 a potential competition to the Consortium. Defendant Yeary was instrumental in
26 fostering the spurious crisis that was exploited to force Gelsinger out of Intel after
27 Gelsinger overcome hurdles to the Intel's fab competitiveness that were put in
28 Place by Defendant Yeary.

1 672. Defendant Yeary joined the Intel board to achieve the Consortium's
2 most pressing goal: keeping the high-capacity and high-density semiconductor
3 technology behind an anticompetitive wall to ensure that the Consortium's
4 centrally distributed computing dominance remains unchallenged. Achieving this
5 goal requires separation between the relatively open x86 standard and
6 semiconductor manufacturing, which was achieved at AMD and is still Defendant
7 Yeary's mission at Intel. To that end, Defendant Yeary prompted the destruction
8 of both Intel's manufacturing and Intel's x86 standard.

9 673. Defendant Yeary has joined the Intel board as part of a plan detailed
10 in this Complaint that was devised by the Consortium to harm Intel and weaken
11 Intel's manufacturing. The plan was meant to protect the Consortium from Intel's
12 technological advantage, which, before 2012, put Intel in the unique position of
13 being two years ahead of its nearest manufacturing competitor and, with the
14 integration of design and manufacturing and Intel's relatively open x86 standard,
15 was, and recently after the reorganization of Intel's fab that took place in the
16 second half of 2024, able again to enable competitors such as Plaintiff to
17 challenge the Consortium's consolidation of computational power under the
18 control of Consortium Participants. As part of the plan, Defendant acted to
19 impede Intel's manufacturing and to erect an anticompetitive wall around it that
20 blocked Plaintiff from competing in the market. As soon as Intel's CEO,
21 Gelsinger, was able to overcome those hurdles in mid-2024, Defendant Yeary set
22 a plan in place to dismantle Intel. Intel's accounting was manipulated to
23 contribute to an apparent crisis that falsely presents Intel manufacturing as the
24 reason for the crisis, which was then used as a ruse to oust Intel CEO Gelsinger
25 from the company. A derivative shareholders lawsuit, Case 5:24-cv-09121 Filed
26 12/17/24 In United States District Court Northern District Of California, that
27 was filed on behalf of Intel detailed some of the manipulation and the culpability
28 of Defendant Yeary.

1 674. Defendant Yeary was aware of and provided protection for
2 Microsoft's plan to weaken and ultimately destroy the x86 standard and Intel.
3 This plan involved misusing the Windows trademark, which is associated with
4 x86 compatibility, to force consumers to purchase ARM-based computers that are
5 incompatible with x86 programming standards and abandon their Intel x86
6 computers, thereby harming Plaintiff. Microsoft's plan, part of the Consortium's
7 long-term design that Defendant Yeary followed for his own financial gain, aims
8 to force Intel's customers to purchase and use toll-based, centrally distributed
9 services that, as detailed in this Complaint, are inferior to stand-alone
10 applications in many respects and significantly increase consumer costs while
11 shutting off competition by Plaintiff and Intel-based developers.

12 675. Defendant Yeary participated in the Consortium plan in 2012, to
13 install Defendant Bryant, and then Krazanich as Intel's chairman and CEO. This
14 plan involved pushing out Intel's highest experts, managers, and semiconductor
15 architects and bringing in designers who align with the Consortium's objectives.

16 676. Defendant Yeary played a significant role in the downfall of Intel's
17 manufacturing when the board and top officers of Intel redirected the first
18 advanced high-density ASML EUV machine, designed in collaboration with Intel
19 and ready for delivery to an Intel facility, to TSMC in Taiwan. This move aimed
20 at compelling Intel to outsource its production and high-density semiconductor
21 manufacturing, thereby ending high-density manufacturing in the US in order to
22 protect the Consortium from competition from U.S.-based semiconductor
23 designers who could potentially empower autonomous users by leveraging the
24 x86 standard. This included Plaintiff's designs, which had already faced the same
25 fate years before, when AMD was forced to outsource its manufacturing.

26 677. Defendant Yeary played a significant role in undermining Intel's
27 investment in the smartphone market by abandoning Intel's smartphone product
28 line during a market transition from Intel's traditional x86-based computers to

1 smartphones, marking a major economic shift as consumers and businesses
2 increasingly depended on mobile devices for everyday tasks. The Consortium
3 acted in this manner to safeguard the centrally controlled distributed application
4 standard it had established. The Consortium's decision to discontinue x86-based
5 smartphones, which outperformed their ARM-based counterparts and offered
6 compatibility with x86-based computers, aimed to protect Microsoft's illicit tying
7 and dominance of x86-based computers while also protecting the
8 subscription-based, centrally distributed model the Consortium imposed in the
9 smartphone market. It protected Apple and Google's effort to force smartphone
10 users and developers into dependency on their centrally distributed store-based
11 applications and blocked Plaintiff's products from running on smartphones. The
12 decision was so controversial that Intel executives and engineers discussed with
13 Plaintiff a revival of Intel's smartphones after the board and top officers
14 discontinued the line, recognizing that the decision was detrimental to Intel's
15 future and was done to accommodate Intel's competitors.

16 678. Defendant Yeary played a significant role in the sale of Intel's modem
17 department to Apple, a primary Consortium participant and a critical asset to
18 BlackRock's scheme. The sale took place after Plaintiff shared with Intel, under a
19 nondisclosure agreement, the details of technology and design that would have
20 allowed x86 programmers and users to compete with and complement the 5G
21 cellular infrastructure using lower-cost existing fiber-based web communication
22 infrastructure with Intel's existing WI-FI technology.

23 H. DEFENDANT OMAR ISHRAK

24 679. Defendant Omar Ishrak joined Intel's board of directors in March
25 2017 and served as the board chair between January 2020 and January 2023.
26 Following Intel's forced top management departure, which was intended to stop
27 the damage to Intel manufacturing under Defendant Bryant, damage that was
28 intended to protect the Consortium, the Consortium positioned Defendant Ishrak

1 to succeed him as Intel's chairman and continue the protection that Consortium
2 Participants inside Intel provided to the Consortium.

3 680. In anticipation of Gelsinger's return to Intel, the Consortium
4 positioned Defendant Ishrak as a board member and then selected him for the
5 chairman position at Intel. This decision was based on Defendant Ishrak's unique
6 experience and actions at G.E. Health Systems and at Medtronic, a company he
7 largely helped relocate from the U.S. to Ireland. Gelsinger posed a significant
8 threat to the Consortium since, during his first tenure at Intel, he opposed the
9 Consortium's goals and its meddling with Intel's competitiveness and the damage
10 it inflicted on Intel and the U.S. semiconductor industry and was adamant about
11 enabling Intel to be fully competitive, which would have ended the Consortium's
12 market dominance.

13 681. Starting with Defendant Bryant's hiring in 1981, under Defendant
14 Bryant's charge, a system of anticompetitive walls, exclusionary practices, and
15 predatory design was erected to protect, first, Intel and Microsoft, then the
16 Wintel Cartel, and later the Consortium's ongoing efforts to prevent the
17 exponentially increasing computational power that Intel creates from empowering
18 non-Consortium Intel OEMs and developers who could use it to compete against
19 the Consortium. In 2017, facing pressure to replace Defendant Bryant due to the
20 damage caused to Intel and to return Gelsinger to the CEO position, the
21 Consortium selected Defendant Ishark, based on his role at GE and Medtronic, to
22 prepare for that eventuality. Allowing Intel to empower competitors to integrate
23 semiconductors IP with the relatively open x86 standard would have effectively
24 ended the Consortium's centrally distributed services dominance. The
25 preservation of Intel's anticompetitive wall was imperative. Defendant Ishark was
26 selected to accomplish it based on his past at G.E. Health and Medtronic, where
27 he successfully concealed technology, market, and corporate manipulation as
28 legitimate business practices in order to transform a manufacturing company into

1 financially lucrative schemes, overcome regulators and public scrutiny, and move
2 Medtronic, a major health technology provider from the U.S. to a foreign
3 country.

4 682. The only way the Consortium could stop Intel from transferring the
5 exponentially growing computational power to its clients, which include
6 competitors such as Plaintiff, was to stop Intel from creating that power.
7 Defendant Bryant, who stopped that growth of available computational power,
8 faced his own forced departure as the result of his actions, and Defendant Ishark,
9 with his unique experience, was positioned by the Consortium to take his place
10 and continue the Consortium's mission. When Defendant Bryant was forced out
11 as a result of the damage he caused to Intel's and engineers who created Intel's
12 exponential computational power growth were called to return to Intel and take
13 over its management, Defendant Ishark was positioned to carry out the
14 impediment of Gelsinger's recovery plan and prevent the restoration of
15 computational power growth and its distribution to Intel's clients and developers
16 that would have ended the Consortium's scheme and potentially could have
17 brought down the leading Consortium Participants.

18 683. The Consortium anticipated that the effort to detach Intel's design
19 from its manufacturing by outsourcing it to TSMC would stall with Gelsinger's
20 return to the CEO position. Setting Gelsinger and Intel to fail became essential to
21 the Consortium and was its reason for selecting Defendant Ishrak. At G.E.
22 Health under Jack Welch, Defendant Ishrak helped to replace industrial parts of
23 GE with foreign-based operations such as car leasing to low-income drivers in
24 Thailand and unsupervised low-cost manufacturing in foreign countries. His role
25 as chairman and CEO at Medtronic, where, after controversies in the U.S. and
26 foreign countries, he successfully moved the largest U.S. medical technology
27 company from the U.S. to Ireland despite significant resistance and scrutiny,
28 would serve the Consortium well.

1 684. Under Defendant Ishrak's leadership, Medtronic faced scrutiny in
2 India due to its "Healthy Heart for All" initiative, which promised affordable
3 heart pacemakers and stents to lower-income patients through financing
4 programs. The initiative included free heart screenings through partnerships with
5 private hospitals, where patients could secure loans to afford procedures.
6 However, this program raised concerns about potential misuse of medical devices
7 and surgeries, with suggestions that it incentivized unnecessary implant surgeries
8 for profit. The high markups on imported devices and concerns about ethical
9 practices raised the scrutiny of Indian regulators, who also flagged Medtronic
10 devices for safety issues. Investigations and reports revealed that the program
11 may have resulted in needless surgeries, as hospitals and health care providers
12 purportedly aimed to achieve Medtronic's recommended financial targets,
13 potentially leading to the implantation of pacemakers in patients who didn't
14 require them. They also asserted that patients leased or financed devices like
15 pacemakers and stents at prices up to 12 times their initial cost, thereby
16 burdening them with debt. Defendant Ishrak joined the Intel board in 2017,
17 coinciding with the program's eventual discontinuation as a result of the Indian
18 government's intervention.

19 685. During the time Medtronic, under the leadership of Defendant Ishrak,
20 engaged in controversial activities in various countries, including the U.S. and
21 India, and the subsequent move of the company to Ireland that garnered
22 significant scrutiny from regulators and lawmakers, the Consortium three
23 index-based funds, Vanguard, BlackRock, and State Street, owned between them
24 approximately one-fifth of Medtronic shares and used their clout to smooth out
25 Medtronic's turbulence. The Consortium's concerns about Gelsinger's return to
26 Intel overshadowed Defendant Ishrak's controversial background, leading to his
27 election to the Intel chair position in January 2020. 10 months later, Medtronic
28 plc (NYSE:MDT), by that time an Irish company, announced on Oct. 6, 2020,

1 that he would retire as executive chairman and chairman of its board of directors
2 on December 11, 2020. Two months later, on February 15, 2021, Gelsinger
3 returned to Intel as CEO.

4 I. DEFENDANT LIP-BU TAN

5 686. Defendant Lip-Bu Tan joined Intel's board of directors in August
6 2022 and resigned from the board in August 2024 when the plan to manipulate
7 Intel's accounting and use it as a ruse to oust Gelsinger from the CEO position
8 was initiated after Gelsinger appointed new management to Intel fab. Defendant
9 Lip-Bu Tan may have intended to position himself as a candidate for Intel's CEO
10 position after the planned forced departure of Gelsinger.

11 687. Before he joined Intel's board of directors, Defendant Tan ran
12 Cadence, one of the three EDA (Electronic Design Automation) companies that
13 were created in the 1980s with significant investment by the Consortium. EDA
14 companies play a crucial role in protecting the consortium from potential
15 competitors by limiting access to semiconductor manufacturing. The EDA
16 companies erect barriers to competition that prevent non-consortium
17 semiconductor developers from accessing large-scale semiconductor
18 manufacturing. The EDA companies in collusion with the semiconductor fab
19 service companies, all of them under Consortium influence, maintain a system of
20 illegal tying between fab services and EDA products that secures the dominance
21 and control of Consortium Participants over computing by creating hurdles for
22 accessing the manufacturing information required for automating the designs of
23 efficient systems that the EDA companies do not support while blocking access to
24 large-scale manufacturing, resulting in precluding efficient technologies such as
25 low-power computing from the market.

26 688. The EDA companies strategically implement barriers against efficient
27 semiconductor design, which could potentially undermine the Consortium's
28 scheme of centralizing computing such as massive parallelism, autonomous and

1 low-power computing. The special relationships between the manufacturing fabs
2 and the three EDA companies grant them exclusive access to the information
3 necessary for semiconductor design, and the three EDA companies have
4 coordinated an unprecedented increase in the cost of access to VLSI
5 semiconductor manufacturing as part of the anticompetitive barrier they erect.

6 689. For comparison, FPGA companies like Altera (a part of Intel) and
7 Xilinx (a part of AMD) provide their customers with a complete EDA toolset free
8 of charge for programming FPGA products. This arrangement is possible because
9 the initial development costs of EDA software were amortized long ago, and high
10 EDA costs would be a barrier to semiconductor consumers. In a truly free
11 market, providers of semiconductor fabrication services would have the same
12 economic incentive to offer EDA tools to their customers, just as FPGA
13 companies do. However, under the Consortium's undue influence, both EDA and
14 fabrication service companies maintain artificial barriers through illicit tying and
15 exclusionary practices. These barriers not only block potential competition that
16 would have improved products and lowered pricing but also increase the cost of
17 computing to consumers because the Consortium Participants that dominate their
18 markets pay artificially high prices for EDA tools and fabrication services as part
19 of the very system they designed and maintain to keep competitors out, and that
20 exorbitant cost is paid by consumers.

21 690. Defendant Tan was a key person in maintaining relations between
22 EDA and the fab companies, and as such, his conflict of interest as an Intel
23 director is significant. Unlike AMD, which lost its manufacturing, Intel provides
24 both FPGA (with Altera) and fab services. Intel, as AMD's 2024 10-K filing
25 clearly states, has a high level of control over the future of what is by far the
26 dominant personal and business computing, the x86 standard. In a truly free
27 market, Intel would have economic incentive to offer EDA tools to its fab service
28 customers in the same way it provides them to its FPGA customers, combining

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1 those tools to simplify and lower costs to its customers and even integrate its x86
2 IP with them in accordance with Intel's 2024 10-K statements. Such a move
3 would end the sweetheart protection racket that the EDA companies enjoy and
4 may have been part of the motivation for Defendant Tan actions at Intel.

5 691. The same reasons that led the Consortium to impose limits on
6 computational power and functionality for consumers also drive its positioning of
7 EDA companies as gatekeepers to VLSI (Very Large System Integration) design
8 and manufacturing. If competitors such as Plaintiff had gained access to VLSI
9 manufacturing, they could have introduced low-cost chips and low-power
10 autonomous computing that would have disrupted and likely ended the
11 Consortium's scheme, which relied on excessive power consumption to centralize
12 computational control of a few large companies that provide IT services. By
13 limiting autonomous functionality, the consortium ensured consumer dependency
14 on its centralized computing infrastructure.

15 692. The three dominant EDA companies emerged in the 1980s to
16 commercialize design automation and system integration. Semiconductor design
17 automation began in the 1960s and evolved into VLSI in the 1970s in academic
18 institutions. The EDA industry was formed in parallel with the Wintel cartel and
19 evolved with it into the Consortium, providing it with essential protection for its
20 scheme. Mentor Graphics was founded in 1981, Synopses Incorporated in 1986,
21 and Cadence Design Systems was formed in 1988. The Consortium, having
22 acquired significant influence over the semiconductor manufacturing fabs,
23 supported the three companies by providing them with exclusive access to
24 semiconductor manufacturing. They increased the entry-level pricing for
25 semiconductor design and manufacturing, ensuring that only Consortium
26 companies that are already dominant in their respective market segments could
27 afford to produce consumer-grade semiconductor devices. The rise over a
28 ten-year period in the cost of bringing to market a typical CPU SoC (system on a

1 chip) consumer chip with similar user functionality illustrates the effect of that
2 anticompetitive effort. The cost increased from approximately sixty thousand
3 dollars in 1990 to 60 million in 1999.

4 693. EDA companies develop and sell software tools that are based on
5 software compilers, interpreters, and CAD (computer-aided design) technologies.
6 EDA companies sell VLSI tools that were conceived and standardized by
7 researchers in academic institutions. Just like software compilers that translate a
8 computer language program into an ordered list of CPU instructions, EDA VLSI
9 tools translate a computer language program into the ordered blocks referred to as
10 "cells." that describe chip areas that perform certain functionality as well as the
11 power, input, and output connections to it. Various cell types provided by IP
12 vendors and referred to as "cell libraries" are designed to perform a range of
13 functions and tasks. The standard interface between the cells makes it possible to
14 combine different cells into blocks that are merged into an entire chip design.

15 694. The cost of replicating and distributing software tools is low, while
16 their initial development costs are amortized over time. This does not justify the
17 excessively high prices that EDA companies, in collaboration with semiconductor
18 fabs, impose on developers for access to manufacturing. Such collusion does not
19 serve to protect copyrights, patents, or trade secrets. Instead, it safeguards
20 dominant computing companies by restricting potential competitors' access to the
21 most critical factor in the computing market: semiconductor design and
22 manufacturing.

23 695. The VLSI concept, which automates the drawing of semiconductor
24 device layouts, was invented in academia. It automated computerized drawings,
25 also known as CAD (computer-aided design), with software tools that combine
26 pre-designed drawing blocks or "cells" into a complete design that includes the
27 placement of the cells and the connection between them. VLSI makes it possible
28 to write a computer program that describes that design, which associates

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1 computer language expressions with the elemental cells that form the
2 semiconductor design. Similarly, a software compiler or interpreter transforms a
3 computer program into a list of CPU instructions and predefined program
4 segments that form an executable program.

5 696. VLSI tools add one more layer of complication. While CPU
6 instructions are readily applicable, the design and testing of semiconductor cells
7 necessitate a meticulous, labor-intensive process, requiring close collaboration
8 with the manufacturing fab for which the cell library is designed. VLSI tools
9 access cells in a "cell library" that are provided by independent IP vendors that
10 create cell libraries. EDA companies, however, monopolize this market by
11 purchasing both these IP vendors and independent VLSI tool developers.

12 697. To understand how such a cover-up of noncompetitive exertion can
13 take place in broad daylight, consider an equivalent situation. Writing software
14 compilers requires information about the CPU that programs created by the
15 compiler will run on. That essential information related to the x86 architecture is
16 currently being withheld from Plaintiff despite the fact that he is providing his
17 customers with an x86 compiler. Likewise, the writing of a VLSI design tool and
18 cell libraries requires information about the semiconductor manufacturing
19 process. Manufacturing houses standardize this information in a manual that
20 describes the basic transistors offered by a particular design and the interface
21 between them. Manufacturing companies prepare this manual, known as a PDK
22 (Production Design Kit), for each manufacturing process.

23 698. Under the Consortium influence, EDA and fab companies collude by
24 enforcing anti-competitive practices mandating the use of specific EDA
25 companies' tools to access their manufacturing process while withholding the
26 necessary information for EDA tool development from non-Consortium
27 companies. Independent companies that create EDA VLSI tools are blocked from
28 access to manufacturing fab information such as PDK or access to cell libraries

1 that are owned by EDA companies. Efficient technologies and products in that
2 area are simply removed from the market by the EDA companies. The three
3 EDA companies force designers to use their tools at unreasonable cost, thereby
4 preventing non-Consortium companies from accessing high-volume
5 manufacturing. The semiconductor fabrication service companies mandate that
6 their clients submit their designs using the products of the three EDA companies,
7 even though these tools are written by software companies and can be adjusted
8 for any PDK with the necessary information from the semiconductor fab service
9 companies. Independent chip designers who work as contractors for device
10 makers like IBM or TI (Texas Instruments) are required to borrow their design
11 tools from these companies for the duration of their projects because the cost of
12 owning such tools is prohibitive for companies that do not already dominate their
13 respective markets.

14 699. Numerous independent companies that provide semiconductor design
15 tools for optimization that the Consortium considers detrimental for its strategic
16 objectives were bought by the three EDA companies; their technologies and
17 products were lost to potential competitors. The three EDA companies acquire
18 independent cell library developers and integrate them with their EDA tools,
19 thereby raising the entry cost level beyond the reach of independent developers
20 and forcing them out of the semiconductor fabrication industry.

21 700. In its 2024 10-K filing, Intel states that its primary objective is to
22 provide manufacturing services and support the x86 standard. This statement
23 reflects the fact that x86 IP and semiconductor manufacturing are Intel's most
24 valuable competitive assets. However, this creates an inherent conflict between
25 Intel and the Consortium, as following this policy would threaten the
26 Consortium's stock market scheme. This conflict is particularly significant given
27 that Altera, Intel's FPGA division, already offers EDA tools that can be
28 combined with Intel's IP to allow semiconductor designers to test their designs at

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1 available to designers would result in additional savings and a substantial
2 competitive advantage. None of these changes however have taken place because
3 the current Intel board positioned Consortium Participants in key positions before
4 Gelsingers return as CEO, to block non-Consortium developers from accessing
5 Intel's fabrication services as demonstrated by Plaintiff's experience.

6 701. When Defendant Tan resigned from Intel's board, he joined a group
7 of former Intel directors who are eager to show their loyalty and support for the
8 Consortium and its methods. In an attempt to promote the separation of Intel's
9 manufacturing, the former directors, David Yoffie, Reed Hundt, Charlene
10 Barshefsky, and James Plummer, published a letter in Fortune Magazine.
11 However, they failed to explain how such a fabless manufacturing company could
12 survive as a commodity supplier without access to Intel's intellectual property and
13 without internal demand for its products. Such a company would immediately be
14 taken over by Consortium Participants in the same way that Ampre, a
15 semiconductor server design company that was started by Intel veterans and is
16 controlled by Oracle as well as Marvel, another server design company
17 influenced by the Consortium, follows the Consortium's guidelines and avoids
18 empowering the market with technologies that would challenge the Consortium's
19 long-term objectives, as detailed in this Complaint.

20 702. Defendant Tan, who was put in charge of Intel's fab by the board,
21 resigned from Intel's board of directors as part of the effort to weaken Intel and
22 push Gelsinger out and as part of the Consortium's plan to position Defendant
23 Tan as a candidate for the CEO position once the plan to push Gelsinger out
24 succeeds. The timing of the resignation aimed to avoid a vote on Gelsinger's
25 departure. As part of this effort, Intel's accounting was manipulated to contribute
26 to the current crisis and present Intel manufacturing, which Defendant Tan was
27 put in charge of, as the main reason for the crisis rather than the actual reasons
28 detailed in this Complaint.

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J. ALL INDIVIDUAL DEFENDANTS

2 703. Defendant Andy D. Bryant who served as Intel Chairman between
3 2012 and January 2023, Defendant Barbara G. Novick who joined Intel's board
4 of directors in December 2022, Defendant Frank D. Yeary, Chair of Intel's
5 Board of Directors who joined Intel's board of directors in March 2009,
6 Defendant Omar Ishrak, who joined Intel's board of directors March 2017 and
7 serve as a the board chair from January 2020, until December 2020, Defendant
8 Tsu-Jae King Liu who joined Intel's board of directors in July 2016, Defendant
9 Gregory D. Smith who joined Intel's board of directors in March 2017,
10 Defendant Risa Lavizzo-Mourey who joined Intel's board of directors in March
11 2018, Defendant James (Jim) J. Goetz who joined Intel's board of directors in
12 November 2019, Defendant Dion Weisler who joined Intel's board of directors in
13 June 2020, Defendant Alyssa Henry who joined Intel's board of directors in
14 January 2020, Defendant Andrea Goldsmith who joined Intel's board of directors
15 in September 2021, Defendant Stacy J. Smith who joined Intel's board of
16 directors in March 2024, Defendant Lip-Bu Tan who joined Intel's board of
17 directors in August 2022 and resign from the board in Aug 2024, and other
18 Defendants referred to as DOE1 to DOE25 who are unknown to Plaintiff at this
19 time are Participants in a Consortium's plan, which is described in this
20 complaint. The plan was designed to protect Consortium Participants from
21 competition by independent developers like Plaintiff, who could use Intel's
22 technology to overthrow the Consortium's control over all aspects of computing.
23 The plan was also designed to stop Intel itself, which is the only company that
24 can currently upend the Consortium's command of computing markets, from
25 competing against it. To achieve their plan objective, the plan Participants are
26 engaged in an effort to dismantle Intel and sell its parts at an absurdly low
27 valuation to Consortium Participant companies that are positioned to cement the
28 Consortium continues hold on computing markets.

1 704. The plan dates back to before 2012 with the positioning and
2 subsequent appointment of Defendant Bryant as Intel chairman and the selection
3 of Krzanich as CEO. The plan aims to halt Intel's technological progress and
4 bring the company under the Consortium's control. The plan relied on terrorizing
5 its talent pool and its workforce, as well as its independent shareholders, to stop
6 its technological advancement and diminish its market value. The key to
7 implementing the plan was positioning directors, officers, executives, and
8 managers who would accomplish its objectives. Strategic decisions that include
9 the debilitating of the x86 standard inside Intel as well as by Microsoft and
10 Qualcomm with tacit approval by Intel, the abandonment of Intel's x86
11 smartphone product line, the impediment of Intel adaptation of EUV
12 semiconductor manufacturing, the recruitment and assignment of abusive
13 managers to manage critical projects development team that doomed such projects
14 to failure, the inadequate and inappropriate response to the release of Intel's
15 CPU's with bugs, defects and security vulnerabilities, the entrapment and
16 blocking of Plaintiff's technology that was designed to eliminate such
17 vulnerabilities and advance Intel's technology, as well as the hindrance of Intel's
18 CEO, Gelsinger's recovery plan, his entrapment and subsequent dismissal from
19 the company, reflect some of the actions that were part of the plan to demoralize
20 Intel workforce and its shareholders in order to dismantle the company and bring
21 its part under the Consortium control.

22 705. The Consortium's leadership devised the plan in 2012, perceiving
23 Intel's advanced manufacturing and unused technologies, its integration with its
24 relatively open x86 standard, and its smartphone technology as a threat to the
25 Consortium's survival and its Participants' ability to continue their stock market
26 scheme. They devised the plan to wreck the company's semiconductor
27 manufacturing, design efforts, and smartphone technology to lower the company
28 valuation and use that to compel Intel, its shareholders, its clients, the public, and

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1 the U.S. economy's stakeholders who depend on Intel's x86 standard to accept
2 the dismantling of the company by separating between its design and
3 manufacturing and either outsourcing or selling its operations to end its
4 independence and degrade its operations. The plan was designed to force the
5 move of the key technology that drives the U.S. economy to a foreign company
6 under the Consortium's influence to make it easier to block independent
7 developers from breaking the Consortium's anticompetitive wall that prevents
8 such developers, including Plaintiff from bringing essential technologies,
9 including low-power computing, to the market. The plan is preventing Intel from
10 fulfilling its obligations to Plaintiff. With the return of Gelsinger to the CEO
11 position, the plan prevented Intel from fulfilling its mission as defined in its 10-K
12 form and impeded Gelsinger's recovery plan. The plane was put into place after
13 the recognition, in 2012, that Intel's technological advantage, which, until 2012,
14 put it at least two years ahead of its nearest semiconductor manufacturing
15 competitor and by now is again on par with its competitors thanks to the recovery
16 that was implemented by its now-dismissed CEO, Gelsinger, could empower
17 independent companies and developers such as Plaintiff to use their technologies,
18 including low-power computing, to end the monopolization and centralization of
19 computing that is dependent on unnecessarily high power consumption.

20 706. The Consortium plan involved the manipulation of Intel's accounting
21 and public shares to fuel the current crisis and portray Intel manufacturing as the
22 primary cause for that crisis, then used as a ruse to oust Gelsinger from the Intel
23 CEO position and is still being used to dismantle the company.

24 707. The plan relied on the demoralization of Intel engineers to impede
25 their development efforts and to take advantage of the integration of its
26 manufacturing and design to achieve a higher optimal level of its products that
27 would have jeopardized the Consortium's ultimate goal of consolidating
28 computing in the hands of Consortium Participants and forcing the market to rely

1 on centrally distributed services provided by Consortium Participants to allow the
2 Consortium to profit from the increasing value of their publicly distributed shares
3 that rise as the result of the market's dependency on their exclusive services.

4 708. The plan relies on maintaining a layer of Intel managers that are
5 tasked with trapping and blocking independent developers, including Plaintiff,
6 from bringing to the market efficient, low-power, secure, more reliable, and
7 lower-cost x86-compatible computing that would compete with Consortium
8 Participants services and products. from accessing Intel manufacturing and x86
9 essential resources, contradicting Intel presentations, its contract with Plaintiff,
10 and the company 10-K form.

11 709. The plan relies on Intel managers that are tasked with preserving and
12 implementing predatory designs and flaws in Intel's x86 architecture that protect
13 Consortium Participant services, causing failures, resulting in excessive energy
14 consumption, and producing excessive heat.

15 710. The plan relies on and employs methods that Defendant Bryant
16 initiated while he simultaneously managed multiple Intel departments, including
17 H.R., when he put them in place to protect the Wintel Cartel and later the
18 Consortium. Those methods of intimidation and demoralization were used to
19 control and force Intel engineers to implement predatory design that served
20 anticompetitive objectives as detailed in this Complaint.

21 711. The plan includes the dedication of the majority of the x86
22 architectural area, using transistor count as a yardstick, to various restricted
23 functionality and design features that undermine efficient and autonomous usage
24 of x86-based computers and their developers, including Plaintiff, x86
25 programmers, and users. The plan provides unfair advantages to Consortium
26 Participants who can access those restricted x86 parts over non-Participants who
27 cannot access them. The plan degrades the efficiency of x86 computers to give
28 Consortium Participants a competitive edge in services offered by large server

1 farms. The plan, in all its aspects, harms Plaintiff.

2 712. The plan protects Microsoft's and Qualcomm's attempt to destroy the
3 x86 standard and weaken Intel by misusing the Windows trademark, which is
4 associated by consumers with x86 compatibility, to force consumers to purchase
5 ARM-based computers that are incompatible with x86 programs. Microsoft
6 replaced superior x86-compatible low-cost computers with ARM-based
7 computers that are incompatible with x86 programs, compelling consumers to
8 abandon their Intel x86 computers and forcing them to use Microsoft online
9 services, thereby harming Plaintiff and x86 developers who find that their
10 customers are being misled by Microsoft to purchase machines that cannot run
11 software products they own that were created to run on Windows x86 computers.

12 713. The plan included the sale of Intel's smartphone modem department
13 to Apple during a market transition from personal computers to smartphones. The
14 sale was done in order to make it difficult for Intel's incoming CEO to recover
15 Intel by roistering its position in the x86 smartphone market and compete in that
16 market taking advantage of Intel ability to unified computing and mobile
17 operations. Intel Discontinues its smartphone line to protect Consortium
18 Participants, Qualcomm, Apple and Google and especially Microsoft that faced
19 the sharing its exclusive x86 position and development information with
20 smartphone developers. The sale shielded Qualcomm from direct competition
21 with its products, and it shielded Apple and Google's application stores from
22 competition from independent x86 developers like Plaintiff, who could challenge
23 the Consortium's efforts to compel consumers to rely on its central services and
24 appreciate its Participants' shares.

25 714. The plan was designed to mislead and harm Plaintiff by poisoning and
26 maintaining a layer of Intel managers that were tasked with entrapping, barring,
27 and stopping technologies that challenge the Consortium's objective. Those
28 managers who acted on behalf of the Consortium with the support of Intel's

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1 board members do not follow standard corporate procedures and reporting. They
2 misled and harm Plaintiff following the board plan to protect the Consortium as
3 any cost violating an agreement with Plaintiff, with the aim of keeping his
4 technology off the market to protect the Consortium, as detailed in the
5 Complaint.

6 715. The plan included the positioning of Medtronic veterans who were
7 brought in for their experience in moving Medtronic to a foreign country as
8 Intel's board directors. They were positioned as part of the Consortium's plan to
9 compel Intel to separate its design and manufacturing by destroying its
10 manufacturing and forcing it to outsource it to a foreign company, Taiwan
11 TSMC.

12 716. The plan included the positioning of former Medtronic CEO,
13 Defendant Omar Ishrak, as Intel chairman, which was done for his experience in
14 moving Medtronic to a foreign country. He was positioned as part of the
15 Consortium's plan to compel Intel to separate its design and manufacturing by
16 destroying its manufacturing and forcing it to outsource it to a foreign company,
17 Taiwan TSMC.

18 717. The plan included the positioning of a BlackRock co-founder,
19 Defendant Barbara G. Novick as an Intel director. She was brought in for her
20 experience at BlackRock in taking over companies and implementing
21 controversial policies and strategic decisions, overcoming resistance from
22 stakeholders as well as the BlackRock clout over other members of the board that
23 presents a significant conflict of interest.

24 718. The plan included the positioning of an ex-CEO of a major EDA
25 company, Cadence, Defendant Lip-Bu Tan, who was brought in for his
26 experience in maintaining an anticompetitive wall around the semiconductor fab
27 services industry, representing a significant conflict of interest with Intel's
28 mission, and who was appointed by the board to supervise Intel fabs in a

1 significant conflict of interest.

2 719. The plan Participants engaged in cover-up, misrepresentation, and
3 deception, trying to hide the plan and present their actions and intentions as
4 typical business conduct while they were acting to lessen competition.

5 720. The plan participants acted for personal gain when they acquired
6 shares of Consortium companies while acting to protect them and violated the
7 1950 Celler-Kefauver Act when they acquired Intel shares to enable themselves to
8 act to lessen competition.

9 **XV. CONCLUSION**

10 **A. DESTROYING INTEL AND THE U.S. SEMICONDUCTOR
11 MANUFACTURING.**

12 721. To preserve their ill-gotten gains and compensation from the
13 appreciation of publicly traded shares and profits of Consortium Participants
14 companies, resulting from unfair market advantage and the protection from
15 competition the Defendants provide to those companies, the Defendants engaged
16 in a wide-ranging conspiracy and effort to lessen competition and block Plaintiff's
17 and other low-power semiconductor and computing technologies from reaching
18 the market.

19 722. That illegal effort includes, but is not limited to, the destruction of
20 U.S. semiconductor manufacturing by ending Intel's operations as an independent
21 company to weaken and put it under an anticompetitive wall. Intel is currently the
22 only U.S. provider of the state-of-the-art semiconductor manufacturing services
23 and capacity that modern economies depend on. Intel, in fact, is technologically
24 ahead of the only other two companies that offer comparable technologies, both
25 foreign, and both are technically behind Intel, offering less powerful and less
26 effective technologies, as detailed below.

27 723. Intel with its independent fab service (IFS) is currently the only in the
28 world that has the full stack of manufacturing capabilities, intently property (IP),

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1 system level software IP support, and integrated design and manufacturing that
2 can support access to the market to competitors such as Plaintiff that can
3 challenge the Consortium's control over computing.

4 724. The Defendant has built and maintained an anticompetitive wall
5 around the semiconductor and computing industry that provides the Consortium's
6 dominant companies with complete control over computing and creates a market
7 dependency on central services provided by a few companies. That
8 anticompetitive wall provides those companies total protection from smaller
9 competitors that cannot afford the infrastructure cost and energy consumption
10 required to compete with their services and from potential competitors that could
11 have replaced their services with low-power and lower-cost better technologies
12 but are blocked from entering the market.

13 725. The destruction of Intel was critical for the creation of that uneven
14 market. It involved spreading false information. For instance, the Defendants
15 present Intel's semiconductor manufacturing as currently lagging behind TSMC
16 and experiencing financial losses. In fact, after a recent recovery, Intel's
17 manufacturing yields (the percentage of flawless chips per wafer) are comparable
18 to TSMC, while Intel's technology in terms of Moore's law, density that is based
19 on transistor size, is ahead by approximately 100 percent. Intel's Latest Process
20 Node: Intel 18A Transistor Gate Length is Approximately 1.8 Nanometers (nm).
21 TSMC's Latest Process Node: N3 (3nm) Transistor gate length is approximately
22 3 nanometers (nm). After 4 years of recovery under Gelsinger, Intel is, in fact,
23 ahead in every technological aspect with distinct structural design advantages over
24 TSMC that give Intel a significant handicap in future scaling. Intel's
25 Gate-All-Around (GAA) transistor enhances electrostatic channel control,
26 improving performance and reducing leakage currents with a higher level density
27 of approximately 238 million transistors per square millimeter (MTr/mm²).
28 TSMC's 3nm (N3) process transistor structure continues to utilize older FinFet

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(Fin Field-Effect Transistor) architecture that is harder to scale to higher density. Intel's architecture facilitates a higher transistor density compared to TSMC's, offering advantages in performance and power efficiency.

4 726. From a historical perspective, due to the current level of
5 miniaturization and the slowing of Moore's law, Intel is a generation ahead of
6 TSMC. It will take several years for TSMC to close this gap. Intel's advance is
7 in fact moving ahead faster again (as it was before 2012) than TSMC, while Intel
8 maintains a larger manufacturing capacity, so that gap is likely to grow back to
9 the pre-2012 level.

10 727. The alleged losses that Intel's manufacturing incurred are the result of
11 manipulation that was designed to entrap Gelsinger and enable the original effort
12 that started in 2012 to break Intel and bring its parts under the Consortium's
13 control. It consisted of a plan that was announced on October 11, 2022, as IDM
14 2.0. Intel's semiconductor manufacturing would be kept as a unit of the company
15 under the Defendant's control, which would allow them to continue to impede its
16 operation and development, while at the same time, it will be treated from an
17 accounting perspective as an independent third-party entity. This strategy allowed
18 the Defendants to arbitrarily shift costs incurred by Intel's business units to its
19 foundry, thereby presenting its manufacturing operations as unprofitable.

Gelsinger, who correctly positioned the recovery and expansion of Intel's manufacturing as Intel's first priority, was enticed with promises of financing that will be available for that expansion with the supposed backing of BlackRock, with BlackRock co-founder Defendant Barbara G. Novick joining Intel's board of directors in December 2022, providing credibility to the entrapment plan. The entrapment then was put into action at the beginning of 2024 with a shift of Intel cost from its business to its manufacturing unit and culminated in August of 2024 after Gelsinger installed a qualified management team at the fab and limited the ability of the Defendants to interfere in its operations and development efforts.

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Defendant Tan, who was put in charge of the fab operation by the board and lost its authority, left the company, and the board used the manufactured crisis resulting from the accounting shift to force Gelsinger out of the company, damage the company's standing and valuation, and start to dismantle the company to achieve its original objective of bringing Intel parts under the consortium's control by selling them.

B. DESTRUCTION AND BLOCKING OF EFFICIENT TECHNOLOGIES AND ITS CONSEQUENCE

9 728. The Defendants took control of Intel and established a hostile work
10 environment that intimidates Intel employees into adhering to and carrying out
11 anticompetitive policies. They are compelling Intel employees to maintain and
12 implement predatory design and exclusionary practices, trapping competitive
13 technologies that could pose a threat to Consortium Participants and blocking
14 potential competitors from the market. They are withholding, concealing, and
15 misrepresenting crucial information for the design and programming of Intel's
16 x86-based computers and Intel semiconductor-related services to restrict the
17 programmability and functionality available to programmers, users, and
18 competitors like Plaintiff, who depend on Intel products and services and rely on
19 Intel's statements and mission as outlined in its 10-K filing. Their implementation
20 of predatory design that extends beyond the x86 architecture and the destruction
21 of low-power semiconductor technologies resulted in excessive power
22 consumption of semiconductor devices that forces consumers and businesses to
23 depend on the Consortium Participants' centralized computation services. the
24 Consortium uses that dependency to manipulate markets, prices, and publicly
25 traded shares. The Defendants have inflicted significant damage on Intel and the
26 U.S. semiconductor industry, and to continue to protect their ill-gotten gains
27 from their said manipulations, are currently engaged in an effort to dismantle
28 Intel and sell its manufacturing fab part to a foreign company they influence.

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1 731. The Defendants illegal conduct deprived the market of low-power
2 technologies that would have ended the Consortium's control over all aspects of
3 computing and areas of the economy that impacted and are dependent on
4 computing. The consequences of the blocking of low-power semiconductor
5 technologies are dire and far-reaching, resulting in national security concerns,
6 stunted innovation, and increased costs for consumers and businesses alike. As a
7 result, the competitive landscape has been significantly altered, allowing
8 monopolistic practices to flourish.

9 732. The effect of the Defendants conduct on incentives to innovate inside
10 and outside Intel is hard to quantify but is well documented. Efficient
11 technologies that may challenge the consortium's control over computing are
12 destroyed, blocked, and removed from the market as the consortium spreads a
13 climate of fear and helplessness throughout the industry. The Defendants have
14 distorted the competitive process. Appropriate relief should issue, which stops the
15 Defendants illegal acts, prevents their recurrence, and restores to the marketplace
16 the competition they had destroyed.

17 XVI. ASSIGNMENT OF DIRECT CLAIMS TO THE PLAINTIFF

18 COUNT I

19 Against Individual Defendants For

20 Promissory Fraud

21 733. Plaintiff incorporate by reference and reallege each and every
22 allegation contained above, as though fully set forth herein.

23 734. The Defendant participated in a conspiracy to build and sustain at
24 Intel an anticompetitive network consisting of layers of Intel executives and
25 managers that use exclusionary practices and entrapment methods that were
26 designed to impede and entrap competitive technologies that could challenge the
27 Consortium. That network was extended to Consortium Participants at Intel's
28 agents and OEMs that helped to carry Intel's exclusionary practices and provided

1 information to help the Defendants operate their anticompetitive wall and carry
2 out their scheme. In 2016, Arrow Electronics, Intel's primary agent, informed
3 the Defendants about Plaintiff's technology and his plans to bring it to market.

4 735. The Defendants preyed on Plaintiff's legitimate plans and intentions
5 that were complementary and aligned with Intel's stated objective and technology
6 and activated their anticompetitive apparatus to entrap Plaintiff, misdirect his
7 resources, and spy on his technology and intention. The Defendant falsely
8 claimed they are interested in reintroducing the Intel x86 smartphones to the
9 market and are interested in collaborating with Plaintiff in the creation of an x86
10 operating system for that end. For that end, the Defendants enticed Plaintiff to
11 sign a mutual nondisclosure agreement with Intel that they had no intention to
12 fulfill. Based on the Defendants' express promises, representations, and
13 reassurances that Intel made to Plaintiff, its shareholders, and the public, Plaintiff
14 agreed to share his confidential information with Intel and dedicate his resources
15 to collaborate with Intel.

16 736. The Defendant then proceeded to mislead Plaintiff providing Plaintiff
17 with irrelevant information while hiding from Plaintiff the actual support system
18 they created for providing the essential development information to their
19 collaborators which was under restricted access. Between 2016 and 2022, the
20 Defendants reaffirmed these material promises and representations to Plaintiff on
21 numerous occasions, intentionally communicating with Plaintiff and providing
22 him with irrelevant documentation while hiding from him the actual support
23 system that Intel designed for and made available to Intel x86 developers who
24 collaborate with Intel exclusionary acts or developing technologies that do not
25 challenge the Consortium.

26 737. After Plaintiff discovered that system on his own and purchased Intel
27 x86 testing equipment that were made available to him by Intel under his mutual
28 NDA agreement with Intel, Plaintiff discovered that he could not operate those of

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1 equipment without access to the development support system, which the
2 Defendant apparatus at Intel refused to allow him to access.

3 738. The Defendants who obtained under the mutual NDA agreement
4 some of Plaintiff's confidential information about his technology have shared that
5 information with another Consortium Participant, Apple, through the sale of the
6 Intel modem department and likely shared it with others, which intensifies their
7 efforts to deceive Intel's shareholders, stakeholders, the public, and the
8 government and dismantle Intel's semiconductor manufacturing independence,
9 ignoring the dire consequences of their actions that are weakening the U.S. and
10 creating a dependency of much of the world on a vulnerable foreign company that
11 would increase global perils to the U.S. and much of the world.

12 739. The Defendant breached their fiduciary duty to Intel and its
13 shareholders by acting to protect their ill gains from their private investments in
14 Consortium Participant companies publicly traded shares and by providing
15 protection for and maintaining favor with Consortium Participants who enrich
16 themselves at the expense of Intel and its shareholders. The Defendants carried
17 favor with those Consortium Participants in exchange for remuneration and
18 access to investment opportunities. They did it to the detriment of Intel
19 shareholders, who were left holding empty buckets while enabling Consortium
20 Participants and themselves to covertly self-deal for enormous future profits.

21 740. The Defendants' actions destroyed Intel's most valuable assets: its
22 goodwill and reputation, its standing with its customers, developers such as
23 Plaintiff, and OEMs, who depend on Intel for their businesses and livelihood.
24 That destruction of Intel's stakeholder value injured Intel and its shareholders.

25 741. The Defendants failed to protect the value of Intel's intellectual
26 property associated with the x86 architecture and Intel's goodwill associated with
27 the Windows trademark, further injuring Intel, its shareholders, and its
28 stakeholders.

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1 742. The Defendants breached security laws by misrepresenting their
2 actions and intentions to mislead the public and Intel shareholders.

3 743. In preparation for Gelsinger's return as CEO of Intel in 2021, the
4 Defendants became even more egregious and bold in their actions and more
5 adamant about their scheme to protect the Consortium and their private gains.
6 They positioned Consortium Participants in key positions that would allow them
7 to block competing technologies and impede a possible recovery. They did that
8 knowing that their promises and representations were false when made and
9 having no intention of carrying them out. By the time of Gelsinger's return,
10 Consortium participants enhanced and entrenched their anticompetitive apparatus
11 to suppress a recovery and impede competitive projects that would have allowed a
12 possible shift that would reposition Intel and give it a competitive advantage
13 against the Consortium Participants.

14 744. After Gelsinger's return, as Intel's manufacturing began to recover
15 from the harm caused by Defendant Bryant's installation as Intel's chairman in
16 2012 and the continued unhampered destruction by his team's actions until 2021,
17 the Defendants nevertheless carried on their scheme inside Intel, hampering the
18 recovery effort by Gelsinger. At the same time, Consortium Participants outside
19 Intel that enjoyed the protections provided by the Defendants moved to cement
20 their ill-gained profits and control of the market by presenting to the public and
21 the government gigantic projects and plans that are based on false claims
22 regarding the U.S. semiconductor industry and false information about high
23 power consumption that high-capacity and AI computation required. The
24 Defendants, in their actions, provided cover to those false claims to position
25 themselves to gain enormous future profits from those gigantic projects.

26 745. Despite their efforts to hamper Intel's recovery, Intel survived, and it
27 took an orchestrated fake accounting and false information campaign to oust
28 Gelsinger from Intel. However, the risk to the Defendants' private investment

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1 and continued hold on the market that would allow them to gain enormous future
2 profits from those gigantic unnecessary projects would exist as long as Intel, with
3 its newly reinforced semiconductor manufacturing capabilities, its integrated x86
4 IP design and manufacturing, and its stated mission to support the x86
5 architectures that under the U.S. antitrust laws, would allow low-power
6 technology to reach the market, continues to operate as an independent company.
7 To prevent the risk to their scheme, Defendants intensified their effort to
8 dismantle Intel and sell its parts, bringing the U.S. semiconductor industry under
9 foreign control and Consortium influence in disregard to the law, their legal
10 duties, and the dire consequences to the U.S. and the world.

11 746. As a direct and proximate result of the Defendant's wrongful conduct,
12 acts, and misrepresentations alleged above, Plaintiff has been damaged, and the
13 Defendants have been and will continue to be unjustly enriched, in an amount that
14 shall be assessed at trial, but which vastly exceeds \$75,000. Such should include
15 the imposition of specific remedies listed below that would correct the wrong and
16 damage cause by the Defendants.

17 747. The Defendants' wrongful conduct, acts, and misrepresentations have
18 caused and will continue to cause Plaintiff substantial injury and damage, much
19 of which cannot be reasonably or adequately measured or compensated in money
20 damages. The harm this wrongful conduct will cause to Plaintiff is both imminent
21 and irreparable, and the amount of damage sustained by Plaintiff will be difficult
22 to ascertain if such wrongful conduct is allowed to continue without restraint.
23 Plaintiff is entitled to an injunction during the pendency of this action, and
24 permanently enjoining Defendants and all persons acting in concert with them,
25 from engaging in such further tortious conduct.

26 748. The Defendants promises to perform an action they had no intention
27 of doing intending to deceived Plaintiff in violation of 18 U.S. Code § 1341 18
28 U.S.C. § 1343.

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1 749. Defendants wrongful conduct constitutes oppression, fraud, and/or
2 malice under Massachusetts General Laws Chapter 190B, Section 1-106. The
3 Defendants has been perpetrated a fraud in connection with proceeding from their
4 private investments, remunerations and investment opportunities they obtain in
5 return to their circumvention of the provisions of the chapter injuring Plaintiff
6 thereby Plaintiff may obtain appropriate relief against the Defendants or
7 restitution from any Defendant benefiting from the fraud. entitling Plaintiff to an
8 award of punitive damages appropriate to punish or set an example of Defendants
9 in an amount to be determined at trial.

COUNT II

Against Individual Defendants For Constructive Fraud

13 750. Plaintiff incorporate by reference and reallege each and every
14 allegation contained above, as though fully set forth herein.

15 751. The Defendants, as directors and officers of a public corporation,
16 Intel, that erected an anticompetitive apparatus at Intel and its collaborators that
17 was designed to collect information about and block Plaintiff's technology from
18 accessing the market. After finding out about Plaintiff' technology and plans they
19 approached Plaintiff and made him promises that correspond to the Intel's
20 mission as stated in Intel's 10-K forms, while hiding from Plaintiff their true
21 intentions.

752. The Defendants owe Plaintiff a duty to fulfill their premises and are
liable for constructive fraud for any advantages they gained by misleading
Plaintiff with their repeated promises, representations, and reassurances, that
were designed to deceive him.

26 753. The Defendants solicited and obtained information and resources
27 compelling Plaintiff to dedicate time and money including purchasing Intel's x86
28 testing equipment and attempting to operate them but being blocked the

1 apparatus the Defendants put in place. They injured Plaintiff by making repeated
2 and material promises, representations,
3 and reassurances to him that they would support the x86 architecture and act to
4 bring the best technologies x86 related technologies to the market.

5 754. Defendants knew or could have reasonably foreseen that their
6 promises, representations, and reassurances would be relied upon by and were
7 material to Plaintiff.

8 755. Defendants deceived Plaintiff by providing him with misleading
9 information and failing to disclose to Plaintiff their true anticompetitive objectives
10 which were known to them.

11 756. The Defendants engaged in unrestricted self-dealing as they have used
12 their positions and clout at Intel to obtain access to investment opportunities in
13 return to the protection they provided to Consortium Participants and make
14 private investments in Consortium Participants that rely on that protection. The
15 Defendants did it for their own personal gain and profit. The Defendants are
16 presently working to protect their current and future investments and investment
17 opportunities by dismantling Intel, further defying their promises,
18 representations, and reassurances to Plaintiff.

19 757. Defendants intentionally concealed their fraudulent conduct, which
20 prevented Plaintiff from discovering their scheme earlier.

21 758. As a direct and proximate result of the Defendants conduct, acts, and
22 misrepresentations alleged herein above, Plaintiff is entitled to recover the
23 damages he sustained and will sustain.

24 759. As a direct and proximate result of Defendants wrongful conduct,
25 acts, and omissions alleged herein above, Plaintiff has been damaged, and
26 Defendants have been and will continue to be unjustly enriched, in an amount that
27 shall be assessed at trial, but which vastly exceeds \$75,000, and for which
28 restitution and/or non-restitutionary disgorgement is appropriate. Such should

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1 include the imposition of the remedies speechified later in this Complaint.

2 760. Defendants wrongful conduct, acts, and omissions have proximately
3 caused and will continue to cause Plaintiff substantial injury and damage, much
4 of which cannot be reasonably or adequately measured or compensated in money
5 damages. The harm this wrongful conduct will cause to Plaintiff is both imminent
6 and irreparable, and the amount of damage sustained by Plaintiff will be difficult
7 to ascertain if such wrongful conduct is allowed to continue without restraint.
8 Plaintiff is therefore entitled to an injunction during the pendency of this action,
9 and permanently enjoining Defendants, their officers, agents, and employees, and
10 all persons acting in concert with them, from engaging in such further tortious
11 conduct.

12 761. Defendants wrongful conduct constitutes oppression, fraud, and/or
13 malice under Massachusetts M.G.L. c. 93A, and Massachusetts General Laws
14 Chapter 190B, Section 1-106, entitling Plaintiff to an award of punitive damages
15 appropriate to punish or set an example of Defendants in an amount to be
16 determined at trial.

17 **COUNT III**

18 **Against Individual Defendants For**

19 **Aiding And Abetting Fraud**

20 762. Plaintiff incorporate by reference and reallege each and every
21 allegation contained above, as though fully set forth herein.

22 763. The Defendants participated in a scheme to defraud Plaintiff of his
23 technology and resources and to enrich themselves, as alleged herein above.

24 764. Intel and other Consortium Participants had actual knowledge that the
25 Defendants were engaging in such fraud, because the Defendants formed their
26 anticompetitive apparatus at Intel for that very purpose, and have at all relevant
27 times been officers, agents, employees, and/or owners whose knowledge and
28 intent is imputed to the anticompetitive apparatus, exclusionary acts, predatory

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1 practices and predatory design detailed above in this Complaint that they
2 implemented.

3 765. Intel and other Consortium Participants knowingly gave substantial
4 assistance, encouragement, and/or actively participated in the Defendants fraud
5 by willfully draining and devaluating Intel's most valuable assets, its x86
6 architecture and semiconductor manufacturing to protect their ill-gains profits.

7 766. Defendants intentionally concealed their fraudulent conduct, which
8 prevented

9 Plaintiff from discovering their scheme earlier.

10 767. As a direct and proximate result of the Defendants conduct, acts, and
11 misrepresentations alleged herein above, Plaintiff is entitled to recover the
12 damages he sustained and will sustain.

13 768. As a direct and proximate result of Defendants wrongful conduct,
14 acts, and omissions alleged herein above, Plaintiff has been damaged, and
15 Defendants have been and will continue to be unjustly enriched, in an amount that
16 shall be assessed at trial, but which vastly exceeds \$75,000, and for which
17 restitution and/or non-restitutionary disgorgement is appropriate. Such should
18 include the imposition of the remedies speechified later in this Complaint.

19 769. Defendants wrongful conduct, acts, and omissions have proximately
20 caused and will continue to cause Plaintiff substantial injury and damage, much
21 of which cannot be reasonably or adequately measured or compensated in money
22 damages. The harm this wrongful conduct will cause to Plaintiff is both imminent
23 and irreparable, and the amount of damage sustained by Plaintiff will be difficult
24 to ascertain if such wrongful conduct is allowed to continue without restraint.
25 Plaintiff is therefore entitled to an injunction during the pendency of this action,
26 and permanently enjoining Defendants, their officers, agents, and employees, and
27 all persons acting in concert with them, from engaging in such further tortious
28 conduct.

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1 770. Defendants wrongful conduct constitutes oppression, fraud, and/or
2 malice under Massachusetts M.G.L. c. 93A, and Massachusetts General Laws
3 Chapter 190B, Section 1-106, entitling Plaintiff to an award of punitive damages
4 appropriate to punish or set an example of Defendants in an amount to be
5 determined at trial.

COUNT IV

Against Individual Defendants For

Conspiracy To Violate Federal Civil Rico, 18 U.S.C. § 1962(D)

9 771. Plaintiff incorporate by reference and reallege each and every
10 allegation contained above, as though fully set forth herein.

11 772. The Defendants have undertaken the fraudulent acts described in
12 Count IV above as part of a common scheme. Defendants willfully, knowingly,
13 and unlawfully conspired, confederated, and agreed together and with others to
14 violate 18 U.S.C. § 1962(c), in violation of 18 U.S.C. § 1962(d). Defendants
15 intentionally concealed their fraudulent conduct, which prevented Plaintiff from
16 discovering their scheme earlier.

17 773. The Defendants have were aware of the illegal activity. The
18 Defendants have knew that they had made false and/or misleading representations
19 to Plaintiff and others that Intel would support the development of the x86
20 architecture Plaintiff contributions will be used to further such purpose. The
21 Defendants at all relevant times been officers, agents, employees, and/or owners
22 whose knowledge and intent is imputed to the Consortium entities.

23 774. The Defendants directed and caused Intel to engage in the racketeering
24 activity alleged herein above.

775. Each Defendant understood that he or it was committing numerous RICO predicate acts and participating in a racketeering scheme, evidenced among other things, by his or its overt acts and involvement in repeatedly promulgating false and/or misleading representations via wire transmissions, including email

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1 correspondence, online transmittal, and social media posts, and receiving
2 financial and other contributions, including wired funds, based on those
3 fraudulent communications. In addition, The Defendants understood they were
4 facilitating and/or aiding and abetting Consortium Participants self-dealing and
5 furthering the scheme by helping to conceal Defendants fraudulent conduct.

6 776. The participation and agreement of the Defendants and other
7 Consortium Participants was listed above in this Complaint was necessary to the
8 scheme. Defendants knew their predicate acts were part of a pattern of
9 racketeering activity and agreed to the commission of those acts to further the
10 scheme, and agreed and conspired to conduct and participate in the affairs of the
11 Enterprise through a consistent and continual pattern of racketeering activity.
12 Further evidence of the agreement among the Defendants and other Consortium
13 Participants is peculiarly within the knowledge and control of Defendants.

14 777. As a direct and proximate result of the Defendants' conspiracy and
15 violations of 18 U.S.C. § 1962(d), Plaintiff has been injured in his business and
16 property, as alleged herein, and is entitled to treble damages, attorneys fees, and
17 costs of suit.

18 **COUNT V**

19 **Against Individual Defendants For**
20 **Violations Of Federal Civil Rico,**

21 **18 U.S.C. § 1962(D) U.S.C. §§ 15, 22 And 26**

22 778. Plaintiff incorporate by reference and reallege each and every
23 allegation contained above, as though fully set forth herein.

24 779. The Defendants undertaken the fraudulent acts described in Count I
25 and II above as part of a common scheme. Defendants willfully, knowingly, and
26 unlawfully conspired, confederated, and agreed together and with others to
27 violate 18 U.S.C. § 1962(c), in violation of 18 U.S.C. § 1962(d). Defendants
28 intentionally concealed their fraudulent conduct, which prevented Plaintiff from

1 discovering their scheme, notwithstanding his exercise of due diligence.

2 780. The Defendants were aware of the illegal activity. of other
3 Defendants and Consortium Participants and knew that they had made false
4 and/or misleading representations to Plaintiff and others that Intel devoted to the
5 development of fab services and the x86 architecture. The Defendants knew of
6 and agreed to facilitate the operation of the Consortium Participants and/or
7 Defendant's scheme.

8 781. The Defendants directed and caused the Intel entities to engage in the
9 racketeering activity alleged herein above.

10 782. Each Defendant understood that he or it was committing numerous
11 RICO predicate acts and participating in a racketeering scheme, evidenced among
12 other things, by his or its overt acts and involvement in repeatedly promulgating
13 false and/or misleading representations via wire transmissions, including email
14 correspondence, online transmittal, and receiving financial and other
15 remuneration, based on fraudulent communications. In addition, the Defendants
16 understood they were facilitating and/or aiding and abetting Consortium
17 Participants self-dealing and furthering the scheme by helping to conceal
18 Consortium Participants fraudulent conduct.

19 783. The participation and agreement of each of the Defendants was
20 necessary to the scheme. Defendants knew their predicate acts were part of a
21 pattern of racketeering activity and agreed to the commission of those acts to
22 further the scheme, and agreed and conspired to conduct and participate in the
23 affairs of the Enterprise through a consistent and continual pattern of racketeering
24 activity. Further evidence of the agreement among Altman, Brockman, and the
25 OpenAI For-Profit Entities is peculiarly within the knowledge and control of
26 Defendants.

27 784. As a direct and proximate result of Defendants' conspiracy and
28 violations of 18 U.S.C. ° 1962(d), Plaintiff has been injured in his business and

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1 property, as alleged herein, and is entitled to treble damages, attorneys' fees, and costs
2 of suit.

3 **COUNT VI**

4 **Against All Defendants For**

5 **Breach Of Express Contract**

6 785. Plaintiff incorporate by reference and reallege each and every
7 allegation contained above, as though fully set forth herein.

8 786. In a conference call that was initiated by Intel, an NDA agreement and
9 a series of express written correspondence in from 2016 to at least 2022, Intel
10 entered into a valid, enforceable, and binding agreement to collaborate with and
11 support Plaintiff in the development of an x86 smartphone operating system. Intel
12 promise to provide the necessary documentation and support and collaborate in
13 the design if the final product. 787. Plaintiff fulfilled all of his obligations and
14 has performed and/or complied with all terms and conditions of the agreement
15 that he was required to perform and/or comply with.

16 788. From the beginning of the agreement, unbeknownst to Plaintiff, the
17 Defendants breached their agreement with Plaintiff by, among other things:

18 a. Failing to disclose to Plaintiff the existence of their crucial-for-
19 development support system for developers of x86 software and
20 hardware.

21 b. Failing to disclose to Plaintiff the existence of their crucial-for-
22 development testing equipment for developers of x86 software
23 and hardware.

24 c. Provided Plaintiff with irrelevant documentation to mislead him
25 and waste his time in order to delay Defendant's discovery of
26 the Defendants true intentions, to block his low-power
27 semiconductor and software technologies, low-power
28 semiconductor technologies, and the x86 architecture from the

1 smartphone market.

2 d. Discriminated against Plaintiff by providing other developers of
3 operating systems such as Microsoft access Intel's crucial-for-
4 development support system for developers of x86 software and
5 hardware to related technology exclusively while hiding it from
6 Plaintiff.

7 e. Permitted Microsoft to attack the x86 standard, attempt to mislead
8 Plaintiff customers into purchasing computers that are presented
9 as Windows computers but cannot run Plaintiff software, as
10 detailed above in this Complaint.

11 f. Permitted Microsoft to exert undue influence and control over
12 Intel activities and maintain exclusionary practice that
13 discriminate against Plaintiff. g. Directed Intel engineers to
14 dedicate significant parts of x86 architecture to functionality that
15 accelerate Microsoft' software to compensate for degradation of
16 performance and efficiency for Plaintiff and his customers.

17 h. Walling of access to Intel essential resources for development and
18 erecting an anticompetitive wall to advance Defendants gain
19 from the protection they provide Consortium Participants.

20 i. Damaging Intel assets as detailed in above in this complaints
21 causing harm to Plaintiff and his customers who depend on the
22 x86 platform. and

23 j. Currently working to dismantle Intel and sell its part to cement the
24 anticompetitive wall that prevent Plaintiff from bringing his
25 technologies to the market.

26 789. Defendants' obligations to perform were not waived nor were their
27 breaches and/or failures to perform justified and/or excused. Defendants
28 intentionally concealed their wrongful conduct, which prevented Plaintiff from

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1 || discovering their scheme earlier.

2 790. As a direct and proximate result the Defendant's conduct, acts, and
3 omissions alleged herein above, Defendants have deprived Plaintiff of the benefit
4 of the parties' agreement and have caused Plaintiff to suffer damages, including
5 but not limited to the financial the loss of the time and resources he expended
6 while being prevented from reaching the market and while being blocked from
7 running his technology on x86 devices as Intel withheld the necessary information
8 while Microsoft and other Intel collaborators added to their x86 software products
9 predatory design that prevent Plaintiff and his customers to run Plaintiff
10 technology on current system, in an amount to be adjudicated and determined at
11 trial, but which vastly exceeds \$75,000.

12 791. Plaintiff has no adequate remedy at law for many of the injuries he
13 suffered as a result of Defendants breaches and failures, and such injuries cannot
14 reasonably, adequately, or precisely be measured or compensated in damages.
15 Accordingly, Plaintiff also seeks and is entitled to specific performance of
16 Defendants' contractual obligations as specified later in this Complaint's Prayer
17 For Relief section.

COUNT VII

(In The Alternative To Count Vi)

Against All Defendants For

Breach Of Implied-in-fact Contract

22 792. Plaintiff incorporate by reference and reallege each and every
23 allegation contained above, as though fully set forth herein.

24 793. The relationship, surrounding circumstances, and intentional course of
25 conduct between Plaintiff on the one hand, and the Defendants on the other
26 resulted in a valid, enforceable, and binding implied-in-fact contract.

27 794. The Defendants proposed that Intel and Plaintiff would collaborate in
28 the development of an x86 smartphone operating system and in the design of an

1 x86-based smartphone and that Intel will support Plaintiff in bringing his
2 technology to the market.

3 795. From there, the Defendants proceeded and continued to reaffirm both
4 publicly and to Plaintiff directly that Intel would continue to support the x86
5 architecture and . Such reaffirmations by Defendants were made, without
6 limitation, in countless communications to the public and to Plaintiff as alleged in
7 detail herein above.

8 796. The conduct of Plaintiff on the one hand, and the Defendants on the
9 other was intentional, and each knew or had reason to know that the other
10 party(ies) would interpret their conduct as an agreement.

11 797. Plaintiff fulfilled any and all obligations and has performed and/or
12 complied with any and all terms and conditions of the agreement that he was
13 required to perform and/or comply with.

14 798. From the beginning of the agreement, unbeknownst to Plaintiff, the
15 Defendants breached their implied in-fact contract by, without limitation, failing
16 to publicly disclose their true intentions, excluding Plaintiff from their
17 crucial-for-development support and testing systems and by self-dealing and
18 exploiting Intel assets and their position to enrich themselves, and as recently as
19 June 2024, working to dismantle Intel and bring its part under the control of the
20 Consortium to prevent Plaintiff technology including low-power semiconductor
21 technology from reaching the market.

22 799. Defendant's obligations to perform were not waived nor were their
23 breaches and/or failures to perform justified and/or excused. Defendants
24 intentionally concealed their wrongful conduct, which prevented Plaintiff from
25 discovering their scheme earlier.

26 800. As a direct and proximate result of the Defendants' conduct, acts, and
27 omissions alleged herein above, Defendants have deprived Plaintiff of the benefit
28 of the parties' agreement and have caused Plaintiff to suffer damages, including

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1 but not limited to the loss of the time and resources he expended in an amount to
2 be adjudicated and determined at trial, but which vastly exceeds \$75,000, plus
3 prejudgment interest.

4 801. Plaintiff has no adequate remedy at law for many of the injuries he
5 suffered as a result of Defendants breaches and failures, and such injuries cannot
6 reasonably, adequately, or precisely be measured or compensated in damages.
7 Accordingly, Plaintiff also seeks and is entitled to specific performance of
8 Defendants' contractual obligations as specified later in this Complaint's Prayer
9 For Relief section.

10 **COUNT VIII**

11 **Against All Defendants For**

12 **Breach Of Implied Covenant Of Good Faith And Fair Dealing**

13 802. Plaintiff incorporate by reference and reallege each and every
14 allegation contained above, as though fully set forth herein.

15 803. Implied in every agreement is a covenant of good faith and fair dealing
16 that each party will not do anything to unfairly interfere with the right of any
17 other party to receive the benefits of the agreement.

18 804. Plaintiff entered into a valid, binding, and enforceable agreement with
19 the Defendants with the purpose of developing his technology to be bought to the
20 market the benefit of all, and not for private profiteering by the Defendants who
21 blocked his technology for their self dealing and in exactness for favors from the
22 consortium.

23 805. Plaintiff fulfilled any and all obligations and has performed and/or
24 complied with any and all terms and conditions of the agreement that he was
25 required to perform and/or comply with.

26 806. The Defendants did not act and in good faith by fraudulently inducing
27 Plaintiff to make significant efforts, sign a non disclosure agreement and disclose
28 information about his plans and technology while the Defendants failed to

1 disclose their true intentions, closing off the x86 architecture and blocking his
2 technology from the market for personal monetary gain, and engaging in brazen
3 self-dealing and other profiteering as alleged herein above. Defendants thereby
4 breached the implied covenant of good faith and fair dealing and consciously and
5 deliberately frustrated the agreed-upon purpose and mission of the non-profit,
6 wrongfully depriving Plaintiff of the benefits of the parties agreement.

7 807. Defendants' obligations to perform were not waived nor were their
8 breaches and/or failures to perform justified and/or excused.

9 808. As a direct and proximate result the Defendant's conduct, acts, and
10 omissions alleged herein above, Defendants have deprived Plaintiff of the benefit
11 of the parties' agreement and have caused Plaintiff to suffer damages, including
12 but not limited to the financial the loss of the time and resources he expended
13 while being prevented from reaching the market and from being blocked from
14 running his technology on x86 devices as Intel withheld the necessary information
15 while Microsoft and other Intel collaborators added to their x86 software products
16 predatory design that prevent Plaintiff and his customers to run Plaintiff
17 technology on current system, in an amount to be adjudicated and determined at
18 trial, but which vastly exceeds \$75,000.

19 809. Plaintiff has no adequate remedy at law for many of the injuries he
20 suffered as a result of Defendants breaches and failures, and such injuries cannot
21 reasonably, adequately, or precisely be measured or compensated in damages.
22 Accordingly, Plaintiff also seeks and is entitled to specific performance of
23 Defendants' contractual obligations as specified later in this Complaint's Prayer
24 For Relief section.

25 //
26 //
27 //
28 //

COUNT IX

In the alternative to Counts VI, VII, and VIII

Against All Defendants For

Breach Of Quasi-contract/Unjust Enrichment

810. Plaintiff incorporate by reference and reallege each and every allegation contained above, as though fully set forth herein.

811. In the absence of an enforceable agreement, Defendants have still been unjustly enriched at Plaintiff expense as a result of their improper exploitation for personal profit from Consortium Participants they are protecting of Plaintiff's technology Intel, its intellectual property, good will, and assets.

812. The Defendants knowingly and repeatedly accepted remunerations from and benefited from investment in Consortium Participants they provided protection to by injuring Plaintiff. The Defendants actively work to block Plaintiff's technology including low-power semiconductor technology from the market.

813. Defendants intentionally concealed their wrongful conduct, which prevented Plaintiff from discovering their scheme earlier.

814. It would be unjust and inequitable to allow Defendants to retain the substantial benefits that were obtained as a direct and proximate result of their wrongful conduct including, without limitation, their ill-gains from investments in Consortium Participants they provided protection inn return to blocking Plaintiff technology from the market and while misrepresenting to Plaintiff and the public the Intel was developing the x86 architecture and for the public's benefit and not for private gain.

815. As a direct and proximate result the Defendant's conduct, acts, and omissions alleged herein above, Defendants have deprived Plaintiff of the benefit of the parties' agreement and have caused Plaintiff to suffer damages, including but not limited to the financial the loss of the time and resources he expended

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1 while being prevented from reaching the market and from being blocked from
2 running his technology on x86 devices as Intel withheld the necessary
3 information while Microsoft and other Intel collaborators added to their x86
4 software products predatory design that prevent Plaintiff and his customers to run
5 Plaintiff technology on current system, in an amount to be adjudicated and
6 determined at trial, but which vastly exceeds \$75,000, and for which restitution
7 and/or non-restitutionary disgorgement is appropriate.

COUNT X

Against All Defendants For

False Advertising Under

The Lanham Act 15 U.S.C. § 1125(a)(1)(B),

12 816. Plaintiff incorporate by reference and reallege each and every
13 allegation contained above, as though fully set forth herein.

14 817. The Defendants induced an unwitting Plaintiff to avail himself and his
15 technology for their spurious protection scheme where they exchange the
16 blocking of his technology for their gain from Consortium Participants they
17 provided protection to. They then exploited Plaintiff technology to carry favor
18 with Consortium Participants through knowingly false marketing and promotion
19 of Intel, harming Plaintiff's business interests.

20 818. Defendants in their marketing, advertisements, and promotions made
21 knowingly false and/or misleading representations to the public that Intel' mission
22 is to develop and support a safe and efficient the relatively open x86 architecture
23 technology for the public good, not, impede the x86 architecture for their own
24 private gain.

25 819. Intel's website represent, in its current 10-K form, that:

- Our IDM 2.0 strategy allows us to deliver leadership products using internal and external capacity while leveraging our core strengths to provide foundry services to others. IDM 2.0 combines three

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1 capabilities. First, we will continue to build most of our products
2 in our fabs. Second, we expect to expand our use of third-party
3 foundry capacity to manufacture a range of modular tiles on
4 advanced process technologies. Third, we are building a
5 world-class foundry business with IFS, which we expect will
6 combine leading edge packaging and process technology,
7 committed capacity in the US and Europe, and a world-class IP
8 portfolio that will include x86 cores, as well as other ecosystem
9 IP.

10 - At our core is the x86 computing ecosystem, which supports an
11 extensive and deep universe of software applications, with billions
12 of lines of code written and optimized for x86 CPUs. We continue
13 to advance this ecosystem with x86 microarchitectures focused on
14 performance, which push the limits of low latency and
15 single-threaded application performance, and microarchitectures
16 focused on efficiency, which are designed for computing
17 throughput efficiency to enable scalable multithreaded
18 performance.

19 - Open System Foundry. We are building a world-class foundry
20 business to meet the growing long-term global demand for
21 semiconductors. We plan to differentiate our foundry
22 offerings from those of others through a combination of leading-edge
23 packaging and process technology, committed capacity in the US
24 and Europe available for customers globally, and a world-class IP
25 portfolio that will include x86 cores, as well as other ecosystem
26 IP. The current foundry model enabled explosion of ecosystem
27 innovation at the wafer level. We believe this established model
28 has historically served the industry well, but a new mindset is

needed in our new era of chipmaking. As innovation evolves, we see the rack has collapsed into a system and the system has collapsed into an advanced package. We are building out an Open System Foundry that has four components: wafer fabrication, packaging, chiplet standard, and software.

- We deploy various forms of capital to execute our strategy in a way that seeks to reflect our corporate values, help our customers succeed, and create value for our stakeholders.
- Invest significantly in R&D and IP to enable us to deliver on our accelerated process technology roadmap, introduce leading x86 and xPU products, and develop new businesses and capabilities.
- We develop IP to enable next-generation products, create synergies across our businesses, expand into new markets, and establish and support our brands.
- As the guardians of Moore's Law, we continue to innovate to advance the design and manufacturing of semiconductors to help address our customers' greatest challenges. This makes possible new leadership products with higher performance while balancing power efficiency, cost, and size. Our IDM 2.0 strategy allows us to deliver leadership products using internal and external capacity while leveraging our core strengths to provide foundry services to others. IDM 2.0 combines three capabilities. First, we will continue to build most of our products in our fabs. Second, we expect to expand our use of third-party foundry capacity to manufacture a range of modular tiles on advanced process technologies. Third, we are building a world-class foundry business with IFS, which we expect will combine leading edge packaging and process technology, committed capacity in the US

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and Europe, and a world-class IP portfolio that will include x86 cores, as well as other ecosystem IP.

3 820. Intel's mission, posted on its website, in its 10-K form claims: "We
4 deploy various forms of capital to execute our strategy in a way that seeks to
5 reflect our corporate values, help our customers succeed, and create value for our
6 stakeholders."

7 821. The Defendants made these material, false, and misleading
8 representations of fact about the nature, characteristics, and qualities of
9 Defendants' products and services in commercial advertising or promotion in
10 interstate commerce, namely, Intel's website, online marketing, online blog
11 posts, and Defendants' social media.

12 822. These false and misleading statements have deceived and/or are likely
13 to deceive a substantial segment of the public.

14 823. Defendants' false and misleading claims are material because they are
15 likely to induce the relevant public to invest in products and services in the belief
16 they are getting the best technology that Intel can produce, when in fact, they are
17 getting hampered products and technology as detailed above in this Complaint.

18 824. Defendants' conduct constitutes false advertising and unfair
19 competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §
20 1125(a)(1)(B).

21 825. Defendants' deceptive conduct and false and misleading claims have
22 injured and will continue to injure Plaintiff business and his customers.
23 Defendants intentionally concealed their wrongful conduct, which prevented
24 Plaintiff from discovering their scheme earlier.

25 826. As a direct and proximate result of the Defendants' conduct, acts, and
26 omissions alleged herein above, Plaintiff is entitled to recover the damages he
27 sustained and will sustain, including any income, gains, compensation, profits,
28 and advantages obtained, received, or to be received by Defendants, or any of

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1 them, arising from their wrongful conduct. Plaintiff is entitled to an order
2 requiring Defendants, jointly and severally, to render an accounting to ascertain
3 the amount of such proceeds from Consortium Participants detailed above in this
4 complaint that enjoy the protection provided by the Defendants.

5 827. As a direct and proximate result of Defendants' wrongful conduct,
6 acts, and omissions alleged herein above, Plaintiff has been damaged, and
7 Defendants have been and will continue to be unjustly enriched, in an amount that
8 shall be assessed at trial, and for which restitution and/or non-restitutionary
9 disgorgement is appropriate.

10 828. Unless enjoined by this Court pursuant to 15 U.S.C. § 1116,
11 Defendants will continue to mislead the public and cause harm to Plaintiff.
12 Plaintiff is entitled to an injunction during the pendency of this action, and
13 permanently enjoining Defendants, their officers, agents, and employees, and all
14 persons acting in concert with them, from engaging in such further acts.

15 829. Defendants' false and misleading claims are deliberate, willful,
16 fraudulent, and without extenuating circumstances. Defendants' conduct is thus
17 an "exceptional case" within the meaning of section 35(a) of the Lanham Act, 15
18 U.S.C. § 1117(a). Plaintiff is therefore entitled to recover three times the amount
19 of his actual damages and his attorneys' fees and costs incurred in this action.

COUNT XI

Against All Defendants For

Unfair Competition Under Massachusetts

M.G.L. c. 93A Unfair and Deceptive Acts and Practices.

24 830. Plaintiff incorporate by reference and reallege each and every
25 allegation contained above, as though fully set forth herein.

831. Defendants engaged in unfair competition and other unlawful and/or
fraudulent business practices by enticing Plaintiff to agree to share his
information, dedicate his time, resources and effort, under the false pretense that

1 his effort and technology will be supported by Intel for purposes articulated in
2 Intel Certificate of Incorporation, Charter, website, online marketing, blog posts,
3 emails, and other communications and not for the Private gain of the Defendants.

4 832. Defendants actively deceived Plaintiff and the public hindering
5 valuable technology which they have hampered for their own personal gain, as
6 described herein. Such conduct has deceived, and will likely continue to deceive,
7 the public, and is unethical, immoral, substantially injurious to consumers, and
8 violates public policy.

9 833. But for Defendants' false, misleading, and unlawful practices, Plaintiff
10 would not have made his share his information with and dedicate his time,
11 resources and effort to Intel. Defendants intentionally concealed their wrongful
12 conduct, which prevented Plaintiff from discovering their scheme earlier.

13 834. As a direct and proximate result of Defendants' conduct, acts alleged
14 herein above, Plaintiff is entitled to recover the damages he sustained and will
15 sustain, including any income, gains, compensation, profits, and advantages
16 obtained, received, or to be received by the Defendants, or any of them, from
17 Consortium Participants arising from the wrongfully injuries to the Plaintiff,
18 which amount vastly exceeds \$75,000.

19 835. Defendants' wrongful conduct, acts, and omissions have proximately
20 caused and will continue to cause Plaintiff substantial injury and damage, much
21 of which cannot be reasonably or adequately measured or compensated in money
22 damages. The harm this wrongful conduct will cause to Plaintiff is both imminent
23 and irreparable, and the amount of damage sustained by Plaintiff will be difficult
24 to ascertain if such wrongful conduct is allowed to continue without restraint.
25 Plaintiff has no adequate remedy at law with respect to Defendants' ongoing
26 unlawful conduct.

27 836. Pursuant to Massachusetts M.G.L. c. 93A, § 9, Plaintiff is entitled to
28 an injunction during the pendency of this action, and permanently enjoining

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1 Defendants, their officers, agents, and employees, and all persons acting in
2 concert with them, from engaging in such further acts of unfair competition.

3 **COUNT XII**

4 **Against All Defendants For**

5 **False Advertising Under M.G.L. C. 93a And**
6 **M.G.L. C. 266, §§ 91-92.**

7 **Massachusetts Consumer Protection Act.**

8 337. Plaintiff incorporate by reference and reallege each and every
9 allegation contained above, as though fully set forth herein.

10 338. As described above, the Defendants, in their individual capacities and
11 on behalf of Intel, have made materially false and/or misleading representations
12 of fact in commercial advertisements about the nature, characteristics, and
13 qualities of Defendants' products and services, including that Intel, will support
14 Plaintiff's more efficient x86 products and technology for the benefit of Intel
15 customers, shareholders and stakeholders, and would not use block Plaintiff's
16 technology for the private gain of the Defendants.

17 339. Defendants knew and/or should have known their communications via
18 Intel's website, online marketing, online blog posts, and social media were
19 materially false and/or misleading when they were made.

20 340. Defendants intended to use and did use the contributions from Plaintiff
21 and others to demonstrate their loyalty and adherence to the Consortium in return
22 for personal gain.

23 341. Plaintiff reasonably relied on the Defendants' statements as he
24 dedicated his efforts and shared confidential information with the Defendants,
25 believing his efforts were going toward a mutual interest in improving Intel x86
26 product and bringing to the market more efficient technologies as advertised and
27 promoted by Defendants. Defendants' conduct deceived Plaintiff and a substantial
28 segment of the public.

1 842. Defendants intentionally concealed their wrongful conduct, which
2 prevented Plaintiff from discovering their scheme earlier.

3 843. As a direct and proximate result of Defendants' wrongful conduct,
4 acts, and omissions alleged herein above, Plaintiff is entitled to recover the
5 damages he sustained and will sustain, including any income, gains,
6 compensation, profits, and advantages obtained, received, or to be received by
7 the Defendants, or any of them, from Consortium Participants arising from the
8 wrongfully injuries to the Plaintiff, which amount vastly exceeds \$75,000.

9 844. Defendants' wrongful conduct, acts, and omissions have proximately
10 caused and will continue to cause Plaintiff substantial injury and damage, much
11 of which cannot be reasonably or adequately measured or compensated in money
12 damages. The harm this wrongful conduct will cause to Plaintiff is both imminent
13 and irreparable, and the amount of damage sustained by Plaintiff will be difficult
14 to ascertain if such wrongful conduct is allowed to continue without restraint.
15 Plaintiff has no adequate remedy at law with respect to Defendants' ongoing
16 unlawful conduct.

17 845. Pursuant to Massachusetts (M.G.L. c. 93A & c. 266, §§ 91-92),
18 Plaintiff is entitled to an injunction during the pendency of this action, and
19 permanently enjoining Defendants, their officers, agents, and employees, and all
20 persons acting in concert with them, from engaging in such further acts of false
21 advertising.

22 **COUNT XIII**

23 **Against Individual Defendants For**

24 **Aiding And Abetting Breach Of Fiduciary Duty**

25 **To Intel Stake Holders**

26 **Under M.G.L. C. 156d, § 8.30 And M.G.L. C. 156d, § 8.30**

27 846. Plaintiff incorporate by reference and reallege each and every
28 allegation contained above, as though fully set forth herein.

1 847. As a public corporation directors the Defendants owe a fiduciary duty
2 to Plaintiff who relied on common laws and reasonable practices and expectations
3 when assessing Intel's and the Defendants' communications.

4 848. The Defendants entice Plaintiff to engaged with Intel by making
5 repeated and material promises, representations, and reassurances to him that
6 they would develop the x86 architecture and support bringing his efficient
7 technology to the market for the benefits of Intel, its shareholders, customers and
8 the public, and would not operate for the profit of any person or company, as
9 evidenced in, without limitation, the emails, corporate filings, and online
10 pronouncements alleged above.

11 849. The Defendants breached their fiduciary duties to Plaintiff:

- 12 a. Concealed from Plaintiff the Intel's x86 support, development and
13 testing.
- 14 b. Exploited Plaintiff technology to carry favor with consortium
15 Participants by blocking it from the market.
- 16 b. Exploited Plaintiff confidential information in relations to the sale
17 of Intel's smartphone modem division to Apple.
- 18 d. Permitted Microsoft to damage Plaintiff and his customers by
19 failing to protect the x86 standard, its users and developers
20 from Microsoft fraudulent misrepresentation that use the
21 Windows trademark, known to be x86 compatible to entice
22 x86-computer users to replace their computer with Microsoft
23 computers that do not run x86 software and hence Plaintiff's
24 software.
- 25 e. Erecting am anticompetitive wall that kept Plaintiff efficient
26 technologies out of the hand of x86-based computer users and
27 compelling Intel agents, such as Arrow Electronics, and OEM
28 who make x86 mother boards and peripherals to collaborate in

maintaining that anticompetitive wall.

f. Self-dealing to enrich themselves by providing protection and unfair advantage to the Consortium Participants they invest in, and by directing Intel managers and engineers to implement predatory design changes to the x86 architecture that degrade operation and performance to Plaintiff but provide unfair advantage to those companies. For example, Microsoft exclusively get access to parts of the x86 architecture that manage CPU and thread allocation but that management system is preventing real parallel programming by Plaintiff by blocking access to CPU instruction that control those allocation.

850. The Defendants had actual detailed knowledge of the fiduciary duties they owed to their shareholders and stake holders because Intel have a history of fighting lawsuit by regulators that addressed its unfair, abusive, and unequal treatment of its stakeholders. Intel signed a consent decree that addressed its mistreatment of its stakeholders, and because of ongoing litigation and scrutiny by U.S. and foreign regulators. The Defendant were all relevant times been officers, agents, employees, of Intel and Consortium Participants who benefited form the abuse Intel's stake holders suffered at the hand of the Defendants.

851. Intel entities provided substantial assistance to the Defendants aiding and abetting their respective breaches of fiduciary duty by helping them exploit Plaintiff and his technology for Defendants' private gain, rather than advancing Intel stated mission.

852. Defendants willfully aided and abetted these breaches of fiduciary duty for Defendants' own benefit, and this was a substantial factor in causing harm to Plaintiff.

853. Defendants have been greatly enriched by their resulting misappropriation of the Intel's assets and their self-dealing with Consortium

1 Participants they provided protection to in blatant derogation of the fiduciary
2 duties Defendants owed and continue to owe Plaintiff, other stakeholders and
3 Intel shareholders.

4 854. Defendants intentionally concealed their wrongful conduct, which
5 prevented Plaintiff from discovering their scheme earlier.

6 855. As a direct and proximate result of the Defendants' conduct, acts, and
7 omissions alleged hereinabove, Plaintiff is entitled to recover the damages he
8 sustained and will sustain, including any income, gains, compensation, profits,
9 and advantages obtained, received, or to be received by Defendants, or any of
10 them, arising from the Defendants investments in Consortium Participants they
11 provided protection to, by blocking Plaintiff's low-power technology from the
12 market, including prejudgment interest. Plaintiff is entitled to an order requiring
13 Defendants, jointly and severally, to render an accounting to ascertain the amount
14 of such proceeds.

15 856. As a direct and proximate result of Defendants' wrongful conduct,
16 acts, and omissions alleged hereinabove, Plaintiff has been damaged, and
17 Defendants have been and will continue to be unjustly enriched, in an amount that
18 shall be assessed at trial, but which vastly exceeds \$75,000, and for which
19 restitution and/or non-restitutionary disgorgement is appropriate.

20 857. Defendants' wrongful conduct, acts, and omissions have proximately
21 caused and will continue to cause Plaintiff substantial injury and damage, much
22 of which cannot be reasonably or adequately measured or compensated in money
23 damages. The harm this wrongful conduct will cause to Plaintiff is both imminent
24 and irreparable, and the damage sustained by Plaintiff will be difficult to ascertain
25 if such wrongful conduct is allowed to continue without restraint. Plaintiff is
26 entitled to an injunction during the pendency of this action, and permanently
27 enjoining Defendants, their officers, agents, and employees, and all persons
28 acting in concert with them, from engaging in such further tortious conduct.

1 858. Defendants' wrongful conduct constitutes oppression, fraud, gross
2 negligence or willful misconduct and/or malice under Massachusetts General
3 Laws Chapter 93A, M.G.L. C. 156d, § 8.30 and M.G.L. C. 156d, § 8.30 and
4 common law, entitling Plaintiff to an award of punitive damages appropriate to
5 punish or set an example of Defendants in an amount to be determined at trial.

6 **COUNT XIV**

7 **Against All Defendants For**
8 **Tortious Interference With Contract**

9 859. Plaintiff incorporate by reference and reallege each and every
10 allegation contained above, as though fully set forth herein.

11 860. The Defendants the Intel employees who carried on their instructions
12 and policies knew Plaintiff had a valid contract with Intel, and that the agreement
13 required Intel to provide Plaintiff with reasonable access to essential information,
14 support, and resources Intel made available to developers of operating systems
15 for its x86 architecture. Defendants all had knowledge of the significant
16 advantages and saving Plaintiff's technology can provide consumers and the
17 potential benefits to Intel, its shareholders customers and its stake holders. The
18 Defendants have at all relevant times been officers, agents, or employees of Intel
19 and consortium Participants protected by Intel whose knowledge and intent is
20 imputed to them.

21 861. The Defendants intended to disrupt Plaintiff's performance of his
22 contract with Intel and/or knew that such disruption of their performance was
23 certain or substantially certain to occur as a result of their conduct.

24 862. The Defendants could have invested their money at Intel, but
25 knowing that their scheme doomed Intel's profitability and prospects, they
26 invested the majority of their money in the money-making scheme they furthered.
27 They did it by purchasing publicly traded shares of the Consortium Participants
28 they protected from Plaintiff's low-power technologies. When Plaintiff on one

1 occasion was told that "What you do is going to kill the goose that laid the golden
2 eggs," the "golden egg" was a reference to the windfall gains from the
3 appreciation of the shares of Consortium Participants that enjoy the Defendants'
4 protection that literally took away the potential advantages, profits, and benefits
5 to Intel, its shareholders, stakeholders, and the market and converted it to their
6 private ill-gotten gain.

7 863. Defendants intentionally concealed their wrongful conduct, which
8 prevented Plaintiff from discovering their scheme earlier.

9 864. As a direct and proximate result of the Defendants' conduct, acts, and
10 omissions alleged hereinabove, Plaintiff is entitled to recover the damages he
11 sustained and will sustain, including any income, gains, compensation, profits,
12 and advantages obtained, received, or to be received by Defendants, or any of
13 them, arising from the Defendants investments in Consortium Participants they
14 provided protection to, by blocking Plaintiff's low-power technology from the
15 market, including prejudgment interest. Plaintiff is entitled to an order requiring
16 Defendants, jointly and severally, to render an accounting to ascertain the amount
17 of such proceeds.

18 865. As a direct and proximate result of Defendants' wrongful conduct,
19 acts, and omissions alleged hereinabove, Plaintiff has been damaged, and
20 Defendants have been and will continue to be unjustly enriched, in an amount that
21 shall be assessed at trial, but which vastly exceeds \$75,000, and for which
22 restitution and/or non-restitutionary disgorgement is appropriate.

23 866. Defendants' wrongful conduct constitutes oppression, fraud, gross
24 negligence or willful misconduct and/or malice under Massachusetts General
25 Laws Chapter 93A, M.G.L. C. 156d, § 8.30 and M.G.L. C. 156d, § 8.30 and
26 common law, entitling Plaintiff to an award of punitive damages appropriate to
27 punish or set an example of Defendants in an amount to be determined at trial.

28 867. Defendants' wrongful conduct constitutes oppression, fraud, and/or

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1 malice under Massachusetts General Law M.G.L. C. 93A entitling Plaintiff to an award
2 of damages appropriate to punish or set an example of Defendants in an amount to be
3 determined at trial.

4 **COUNT XV**

5 **Against Individual Defendants For**
6 **Violation Of The 1950 Celear-Keyfauver Amendment to**
7 **Section 7 of the Clayton Act 15 U.S.C. § 18 prohibiting**
8 **Acquisition of stock that may lessen competition**
9 **Violation Of §§ 15, 22 And 26 Of The Clayton Act,**

10 **15 U.S.C. §§ 15, 22 And 26**

11 868. Plaintiff incorporate by reference and reallege each and every
12 allegation contained above, as though fully set forth herein.

13 869. The Defendants' violated the 1950 Celler-Kefauver Act when they
14 acquired shares of Intel to gain the power to lessen competition. They used that
15 power to provide protection from competitive technologies to Consortium
16 Participants companies purchase of the shares those Companies for their private
17 gain. The Defendants' purchase shares of the companies they provided
18 protection to as apart of their scheme to gain from the lessening of competition.

19 870. The Defendants' purchasing of publicly-traded shares to lessen
20 completion for their own private gain effected every aspect of the economy over
21 decades and brought them billions of dollars in illicit gain. The Defendants
22 central position in this on going scheme make this case worthy of consideration of
23 the charge, even though cases specifically addressing publicly-traded stock
24 purchases by individuals or corporate directors outside of mergers or acquisitions
25 are relatively rare.

26 871. As a result of the Defendants unlawful acts, Plaintiff have been
27 injured in his business and property. Plaintiff is entitled to recover direct
28 damages, trebled as provided by law.

1 872. Plaintiff has no adequate remedy at law for many of the injuries he
2 suffered as a result of Defendants breaches but desires a judicial determination
3 that the Defendants acted to lessen competition by purchasing public shares in
4 violation of the Clayton Antitrust Act 15 U.S.C. § 18.

5 **COUNT XVI**

6 **Against All Defendants For**
7 **Violation Of Section 3 Of The Clayton Antitrust Act Of**
8 **1914, which prohibits tying arrangements that may**
9 **Lessen Competition Or Tend To Create A Monopoly**

10 **15 U.S.C. § 14**

11 873. Plaintiff incorporate by reference and reallege each and every
12 allegation contained above, as though fully set forth herein.

13 874. The Supreme Court ruled in Ethyl Gasoline Corp. v. United States
14 (1940) that attempts to control how a product is used after sale could be
15 considered restraint of trade. Until 1936, IBM mandated that customers leasing
16 its tabulating machines purchase and use only IBM-produced punch cards. The
17 Supreme Court found this practice to be in violation of Section 3 of the Clayton
18 Antitrust Act of 1914 (15 U.S.C. § "14), which prohibits tying arrangements that
19 may substantially lessen competition or tend to create a monopoly. Plaintiff's
20 conflict with the Defendants arises from the Defendants' illegal tying and
21 restraint of trade, which they established and practiced across the computing
22 industry and every economic sector that depends on computing "in fact, all of
23 them.

24 875. Tying arrangements that prevent Plaintiff and other developers of
25 x86-based computer operating systems and software from using and selling their
26 products to consumers were developed between Intel and Microsoft with the
27 introduction of the IBM PC. They were cemented and expanded with the
28 introduction of Microsoft Windows, with every new version introducing more

1 restrictions and unnecessary overhead that restrict competitors access to their and
2 their customers products, and with Intel advancing its x86 architecture from
3 16-bit to 32 and then 64 bits, with every version introducing new layers of
4 predatory design that force consumers to use Microsoft products with x86-based
5 computers. As detailed below, every aspect of the Defendants' established
6 policies and practices at Intel and other Consortium Participants that are designed
7 to protect such tying arrangements and restraints of trade.

8 876. Around 1999, as personal computing started to shift from desktop and
9 laptop computers to handheld mobile devices and then smartphones, the
10 Defendants shifted their focus from their illegal tying arrangement to an all-out
11 effort to restrain the ability of developers and consumers to use their computers
12 independently and create a dependency on central services that can impose tolls
13 and mandate continued billing subscription services on common essential
14 operations for commerce and normal activities. Such activities range from riding
15 in a cab in public space to using a word processor in a private home. With the
16 effort to shift the market toward dependency on central services in mind, the
17 Defendant moved to destroy low-power semiconductors and computing
18 technologies, with Intel at the center of the nefarious activity. At the same time,
19 the predatory design parts that were interjected into the x86 architecture to allow
20 the illegal tying were expanded with predatory design that occupies most of the
21 x86 architecture, using the number of transistors as a scale, implementing design
22 that provides Consortium Participants control over users' devices and an unfair
23 advantage over the market, and effectively preventing independent usage of
24 x86-based computers. The growing dependency of the market on central services
25 provided by Consortium Participants increases the Defendants illicit gains from
26 their scheme and makes the blocking of the Plaintiff's low-power technologies
27 from accessing the market to protect more essential to the Defendants scheme's
28 continuation.

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1 877. Even more critical for the Defendant's scheme continuation is the
2 destruction of the relatively open x86 standard that allows a certain level of local
3 programming that is not dependent on central services. The Defendants succeeded
4 in establishing illegal restraint on programming and usage of smartphones by
5 forcing the use of illegal mandated application stores on smartphone users and
6 preventing independent programming of smartphones by their owners and
7 programmers. Both Apple and Google coordinate and enforce this practice.
8 Re-introducing back the x86 standard to the smartphone market can upend the
9 scheme underpinnings that were behind the destruction of Intel's x86
10 semiconductor technology and the attack on the x86 standard by Qualcomm and
11 Microsoft detailed hereinabove.

12 878. Blocking Plaintiff from the market require blocking his access to
13 semiconductor services and to the x86 essential-for-development information,
14 tools and equipment.

15 879. AMD and Plaintiff's attempt to bring more efficient technology to the
16 market ended with the forced sale of AMD's semiconductor manufacturing
17 facilities to a foreign company, and coincidentally, the weakening of those
18 facilities and the U.S. semiconductor industry as a result of the separation
19 between AMD's profitable design powers and the manufacturing that entails
20 higher costs, requires more investment in R&D, and can only sell commoditized
21 semiconductor devices to OEMs at low profit margins that cannot sustain the cost
22 and investment this industry requires to stay relevant in current technology. That
23 in fact was the exact formula that was used by the Defendants when they set the
24 accounting trap for Intel's fab services when they separated the accounting of the
25 Intel fab from the rest of Intel in 2022, as detailed in this Complaint, paragraph
26 727 hereinabove.

27 880. The Defendant operated over decades in a hostile environment subject
28 to a wide range of endeavors designed to intentionally and elaborately violate the

1 Clayton Antitrust Act while masking and portraying their illegal activities as
2 normal business practices, as detailed in this Complaint paragraph 461,
3 hereinabove..

4 881. As a result of the Defendants' unlawful acts, the Plaintiff has been
5 injured in his business and property. Plaintiff is entitled to recover direct
6 damages, trebled as provided by law.

7 882. Plaintiff has no adequate remedy at law for many of the injuries he
8 suffered as a result of Defendants breaches but desires a judicial determination
9 that the Defendants acted to lessen competition by purchasing public shares in
10 violation of the Clayton Antitrust Act of 1914 15 U.S.C. § 14.

11 **COUNT XVII**

12 **Against All Defendants For**
13 **Declaratory Relief**

14 883. Plaintiff incorporate by reference and reallege each and every
15 allegation contained above, as though fully set forth herein.

16 884. By reason of the foregoing facts, an actual and justiciable controversy
17 has arisen and now exists between Plaintiff and Defendants as to whether the
18 Defendants can perform their duties to Intel.

19 885. Plaintiff contends, and Defendants deny, that the forcing of Gelsinger
20 from Intel's CEO position and the current effort to dismantle the company, sell
21 its manufacturing to a foreign company, and the ongoing attempt by the
22 Defendants to separate its design from its manufacturing was not justified or
23 necessary and was done to the detriment of Intel, its shareholders, stakeholders,
24 the market, and the U.S. semiconductor industry.

25 886. In a relatively short period of time, between 2021 and 2024, Gelsinger
26 was able to repair the damage that was caused to Intel manufacturing between
27 2012 and 2021 under a board of directors that was controlled by the Defendants,
28 who allowed Intel semiconductor manufacturing to fall back behind TSMC by a

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1 few years and forced the most critical parts of the US economy to depend on a
2 foreign, vulnerable company for their own private gain. Intel's semiconductor
3 manufacturing current state is ahead of TSMC by more than a technological
4 generation, with Intel's newer replacement for FinFET technology, RibbonFET,
5 a gate-all-around (GAA) transistor architecture utilizing stacked nanosheets,
6 which are surrounded entirely by a gate, offering improved electrostatic control
7 and faster switching speeds. Gate-all-around transistor architecture giving Intel at
8 least a few years head start on TSMC's older FinFET technology. To prevent
9 further dire damage to Intel, its shareholders, stakeholders, the U.S. economy,
10 and its global standing, request an injunctive relief.

11 887. In order to invalidate the recent decisions made by the Intel board,
12 restore Gelsinger to the position of CEO, and prevent the board from making any
13 strategic decisions regarding the company's future until a shareholders meeting is
14 called after the shareholders have been informed of the meeting's circumstances,
15 the court action, and this complaint, the Plaintiff seeks a judicial preliminary
16 injunction. This injunction would require individual shareholders to vote and
17 prohibit index-based funds and institutional investors who supported the current
18 directors' actions from voting on behalf of their shareholders.

19 888. In accordance with the Declaratory Judgment Act, 28 U.S.C. §§ 2201
20 et seq., a declaration of the Court and an injunctive relief are required and
21 appropriate based on the substantive claims described above in order to stop the
22 Defendants, undo the harm they have already caused, and stop additional
23 irreparable harm from happening.

24 **XVIII. DEMAND FOR TRIAL BY JURY**

25 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff
26 hereby demands a trial by jury for all issues triable to a jury.
27 //
28 //

1 **XVIII. PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff respectfully prays for judgment against
3 Defendants as follows:

4 A. For declaration of the Court and an injunctive relief requested at this
5 Complaint's paragraphs 883 to 888 to stop the Defendants, undo the harm
6 they have already caused, and stop additional irreparable harm from
7 happening;

8 B. Directing Intel and the Individual Defendants to take all necessary actions to
9 reform and improve its corporate governance and internal procedures to
10 comply with applicable laws and to protect Intel, its shareholders,
11 stakeholders and the market from repeating the damaging events described
12 herein;

13 C. For compensatory, consequential, and statutory damages, restitution, and
14 non-restitutionary disgorgement, and any other relief that may be permitted
15 by law or equity, according to proof in an amount to be determined at trial,
16 together with interest thereon as provided by law;

17 D. Determining and awarding to Plaintiff the damages sustained by him as a
18 result of the violations set forth above from each of the Individual
19 Defendants, jointly and severally, together with pre-judgment and
20 post-judgment interest thereon;

21 E. For an accounting of all gains, profits, and advantages Defendants have
22 derived from their illegal actions use of the same for their benefit or the
23 benefit any third party;

24 F. For Intel to preserve all records, communications, and documents related to
25 communication between Intel directors and executives and alleged
26 Consortium Participants, including all Intel's partners, distributors, and
27 shareholders, to allow discovery to Plaintiff as he continue his legal actions
28 against Consortium Participants.

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1 F. For treble damages pursuant to 18 U.S.C. § 1964(c);
2 G. For punitive and/or exemplary damages as provided by law;
3 H. For costs of suit;
4 I. For such other and further relief as the Court deems just and appropriate.
5 J. For a judicial determination that all Intel's agreements and relations with
6 Microsoft are null and void and must be disclosed publicly, and to the extent
7 Intel wants to revive such agreements it must make same agreements
8 available to Plaintiff.
9 K. For an order compelling specific performance of Defendants contractual
10 promises to Plaintiff, as alleged herein;
11 1. Intel will in good faith elaborate with Plaintiff on bringing his
12 low-power technologies to the market with no restriction on form
13 factors targeting low-power smartphone that will be transparently
14 compatible and equivalent in functionality to x86-based computers,
15 provide control to user and programmers over their communication
16 options, provide the full x86 capabilities with no dependency on
17 application stores and support Plaintiff technologies that provide free
18 unrestricted communication using public free bandwidth.
19 2. Intel will grant Plaintiff unlimited access to boot features of the x86
20 architecture including any required "blobs", security keys and
21 requirement and including support the Intel provide to Microsoft.
22 3. Intel will grant Plaintiff unlimited access to the fab manufacturing
23 services. all design information and process PDK require to build and
24 customs EDA tools, exiting Intel EDA tools, as well the x86 IP that
25 should be made available Per Intel's 2024 10-K form filing in order to
26 implement any design of his choosing.
27 4. Intel will manufacture and publish specification for a PC x86 plug-in
28 PCI modem compatible with cable ISP (Internet Service Providers)

1 that be controlled by the PC x86 computer CPU just like any plug-in
2 modem with no remote back door control and will transparently
3 replace cable box functionality and provide users with full command
4 interface including a menu based control. Intel will provide user
5 interface with control over x86 NAT (Network Access Table) and
6 firewall that will facilitate transparent peer to peer communication
7 between x86 broadband subscribers.

8 5. Intel will provide Plaintiff with a UEFI boot utility for every Intel x86
9 device on the market, which will include initialization of board
10 management interface, I/O interface, interrupts, screen (VESA)
11 interface, and memory management.

12 6. Intel will provide Thunking utility that will be maintained by Intel with
13 compatibility to all Windows and Linux versions released for
14 x86-based computers. It will be based on Plaintiff's Windows
15 Thunking technology and will provide a hardware-based
16 NTVDM-like virtual machine with full hardware interrupts and
17 graphics access including 64 bit modes booting under real mode DOS
18 and the ability to run on a dedicated CPU.

19 7. Intel will continue to support and maintain from his side the same level
20 of transparent compatibility with AMD x86 standard to prevent
21 fragmentation of the market and the narrowing of market of x86
22 developers.

23 8. Intel will require every x86 OEM to maintain compatibility with a
24 version of those utilities, which will be provided to Plaintiff free of
25 charge.

26 9. Intel will provide Plaintiff with unlimited access to x86 information,
27 debugging and tracing information, debugging and tracing tools, test
28 boards, and support. Any and all information available to Microsoft

1 or any other partner must be shared with Plaintiff.

2 10. Intel will pay for Plaintiff's unlimited usage of Asset Intertech's
3 development, debugging, support, testing and reporting and tools and
4 services to be provided to Plaintiff and his team at Intel expense.

5 11. Intel will develop an x86-based smartphone based on Plaintiff
6 specifications with an x86 processor based on Plaintiff parallel
7 channels semiconductor architecture, eliminating dark silicon based
8 on Plaintiff's parallel design. The smartphone will include built-in
9 Plaintiff's user interface, programming interfaces and applications
10 that will provide transparent compatibility with x86 computers and
11 x86 peripherals using Intel wireless technology.

12 12. Intel will introduce a wireless standard to its x86 SOC PCI as well as a
13 plug-in USB device for x86 computers and laptops that will provide
14 transparent wireless communications with said smartphone.

15 13. Intel will develop an x86-based dedicated server processor that will
16 include Plaintiff's energy saving parallel channels semiconductor
17 architecture eliminating dark silicon and providing built-in
18 hardware-based load balancing and Big-O of One database indexing
19 based on Plaintiff's technology.

20 14. Intel will make all its semiconductor fabrication services available to
21 Plaintiff for implementation of devices based on his new architecture
22 and model of computation.

23 15. Intel will finance the porting of two semiconductor intellectual property
24 cell libraries specified by Plaintiff to Intel's semiconductor processes
25 and PDK's at the cost to be negotiated with the Libraries providers of
26 up to 25 million dollars per library and make them available to
27 Plaintiff for the implementation of Plaintiff's CPU-less parallel
28 architecture.

1 16. Intel will not share or disclose Plaintiff's information, or any part of it,
2 or Intel's information related to Plaintiff's agreements and projects to
3 anyone inside or outside Intel and will provide Intel employees,
4 managers, and executives only information that is required for
5 manufacturing or completing essential tasks on a need-to know basis
6 after an approval of each case by Plaintiff.

7 17. Intel will provide Plaintiff with unlimited access to all the technologies,
8 tools, and design support that are available to Intel OEM, partners,
9 and fab Services customers, as well as the ability to design devices
10 that incorporate any and all Intel technologies available to any of Intel
11 customers or sold by Intel and acquire them from Intel at comparable
12 prices available to other Intel customers.

13 18. Intel will provide Plaintiff with access to all Altera development
14 utilities, IP, development boards, technologies, tools, and design
15 support at Intel's expense and make Altera's manufacturing available
16 to Plaintiff the lowest cost commercial rate available to Intel
17 customers.

18 19. Intel will consider the commercial merit in integrating Altera EDA
19 development tools and IP with its own fab services and device
20 manufacturing considering its own interests free of consideration of
21 the potential impact it will have on the market and in particularly
22 Consortium Participants.

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5 DATED: March 17, 2025

Respectfully Submitted,

6 Moshe Frankel, Pro Se.

7 By: /s/ MFrankel

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9 Moshe Frankel

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